




NO. 22-cv-4337
DENNIS JACKSON
V.
CITY OF CHICAGO, ET AL.

DEPONENT:
EFRAIN CARRENO

DATE:
October 18, 2023

 schedule@churchillreporting.com

 877.808.5856

www.churchillreporting.com

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION
4 JUDGE ALONSO
5 NO. 22-cv-4337
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9 DENNIS JACKSON,
10 Plaintiff
11

12 V.
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14 CITY OF CHICAGO, ET AL.,
15 Defendants
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23 DEPONENT: EFRAIN CARRENO

24 DATE: OCTOBER 18, 2023

25 REPORTER: KRYSTAL BARNES

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">APPEARANCES</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF, DENNIS JACKSON:</p> <p>4 Joel Flaxman, Esquire</p> <p>5 Kenneth N. Flaxman P.C.</p> <p>6 200 South Michigan Avenue</p> <p>7 Suite 201</p> <p>8 Chicago, Illinois 60604</p> <p>9 Telephone No.: (312) 427-3200</p> <p>10 E-mail: Jaf@kenlaw.com</p> <p>11</p> <p>12 ON BEHALF OF THE DEFENDANT, CITY OF CHICAGO:</p> <p>13 Alexander Michelini, Esquire</p> <p>14 Jordan Yurchich, Esquire</p> <p>15 City of Chicago, Department of Law</p> <p>16 30 North LaSalle</p> <p>17 Suite 700</p> <p>18 Chicago, Illinois 60602</p> <p>19 Telephone No.: (312) 744-7684</p> <p>20 E-mail: Alexander.michelini2@cityofchicago.org</p> <p>21 Jordan.yurchich@cityofchicago.org</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">STIPULATION</p> <p>1</p> <p>2</p> <p>3 The deposition of EFRAIN CARRNEO was taken at KENNETH N.</p> <p>4 FLAXMAN P.C., 200 SOUTH MICHIGAN AVENUE, SUITE 201,</p> <p>5 CHICAGO, ILLINOIS 60604 on WEDNESDAY the 18TH day of</p> <p>6 OCTOBER 2023 at 3:06 p.m. (CT); said deposition was</p> <p>7 taken pursuant to the FEDERAL Rules of Civil Procedure.</p> <p>8</p> <p>9 It is agreed that KRYSTAL BARNES, being a Notary Public</p> <p>10 and Digital Reporter for the State of ILLINOIS, may</p> <p>11 swear the witness and that the reading and signing of</p> <p>12 the completed transcript by the witness is not waived.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">INDEX</p> <p>1</p> <p>2</p> <p>3 PROCEEDINGS 5</p> <p>4 DIRECT EXAMINATION BY MR. FLAXMAN 5</p> <p>5 CROSS-EXAMINATION BY MR. MICHELINI 96</p> <p>6 REDIRECT EXAMINATION BY MR. FLAXMAN 121</p> <p>7</p> <p>8</p> <p style="text-align: center;">EXHIBITS</p> <p>9 Exhibit Page</p> <p>10 1 - Original Case Incident Report 18</p> <p>11 2 - Photograph of Front of House 24</p> <p>12 3 - Aerial photograph of 120th Place 25</p> <p>13 4 - Vehicle Impoundment/Seizure Report 52</p> <p>14 5 - Property Inventory FCRL 62000025 - 26 56</p> <p>15 6 - Property Inventory FCRL 000172 - 173 59</p> <p>16 7 - Traffic Citation DJACKSON 0137 60</p> <p>17 8 - Criminal Complaint for Dennis Jackson 63</p> <p>18 9 - Original Case Report FCRL 000011 - 000012 66</p> <p>19 10 - Criminal Complaint for Nathaniel Johnson 69</p> <p>20 11 - Property Inventory FCRL 000162 - 000163 71</p> <p>21 12 - Laboratory Report 74</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">PROCEEDINGS</p> <p>1</p> <p>2</p> <p>3 THE REPORTER: Can you raise your right hand</p> <p>4 for me, please. Do you solemnly swear or affirm</p> <p>5 that the testimony you're about to give will be the</p> <p>6 truth, the whole truth, and nothing but the truth?</p> <p>7 THE WITNESS: I do, so help me God.</p> <p>8 THE REPORTER: You may begin.</p> <p>9</p> <p style="text-align: center;">DIRECT EXAMINATION</p> <p>10 BY MR. FLAXMAN:</p> <p>11 Q. Okay. Could you state and spell your name for</p> <p>12 the record please?</p> <p>13 A. My -- my name is Efrain Carreno. First name</p> <p>14 is spelled E-F-R-A-I-N, last name is spelled</p> <p>15 C-A-R-R-E-N-O.</p> <p>16 Q. Okay. And you're wearing a police uniform</p> <p>17 today. Is that your employer, the Chicago Police</p> <p>18 Department?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And how long have you been a Chicago</p> <p>21 police officer?</p> <p>22 A. It will be 19 years coming up next month.</p> <p>23 Q. Okay. And what's your current assignment?</p> <p>24 A. I'm assigned to Unit 716.</p> <p>25 Q. What is Unit 716?</p>

<p style="text-align: right;">Page 6</p> <p>1 A. Citywide Community Safety Team.</p> <p>2 Q. How long have you had that assignment?</p> <p>3 A. Almost three years.</p> <p>4 Q. And where geographically are you based?</p> <p>5 A. We deploy out of the old 7th District Police</p> <p>6 Station at 61 and Racine.</p> <p>7 Q. Did you say the old 7th District?</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. But I think you said the name of the team is</p> <p>10 Citywide; is that right?</p> <p>11 A. Yes, it's Community Safety Team Citywide.</p> <p>12 Q. Okay. And what are your responsibilities on</p> <p>13 that team?</p> <p>14 A. We get sent to the areas where there's been</p> <p>15 some sort of spike in crime.</p> <p>16 Q. Okay.</p> <p>17 A. But for the last year plus, we've been in the</p> <p>18 11th District most of the time.</p> <p>19 Q. How many officers are on the team?</p> <p>20 A. Right now, we -- there's eight of us on my</p> <p>21 team.</p> <p>22 Q. And what shift do you normally work?</p> <p>23 A. I normally work afternoons.</p> <p>24 Q. Okay. Starting at 3:00 -- at -- sorry,</p> <p>25 starting at 5:00 p.m.?</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. And did you apply for the Citywide Community</p> <p>2 Safety Team?</p> <p>3 A. No, actually, I was on the gun team and then</p> <p>4 they decided that -- the city decided that there was --</p> <p>5 that they weren't going to have any more gun teams.</p> <p>6 Q. Okay.</p> <p>7 A. So they made -- they put me in a gang unit and</p> <p>8 then they decided that they didn't want to have gangs</p> <p>9 anymore because of the name, I guess.</p> <p>10 Q. Okay.</p> <p>11 A. So they made a community safety team.</p> <p>12 Q. Are your responsibilities similar from gun</p> <p>13 team to gang team to community safety team?</p> <p>14 A. A little bit different now.</p> <p>15 Q. Well starting with the -- you said before you</p> <p>16 were on gangs, you were on a gun team; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And what was the difference between gangs and</p> <p>19 a gun team?</p> <p>20 A. Well, on the gun team, we were able to do more</p> <p>21 like a lot of search warrants and were able to like work</p> <p>22 with CI's and stuff like that.</p> <p>23 Q. Okay. And for the benefit of the record, what</p> <p>24 does CI mean?</p> <p>25 A. Confidential informants. Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. 6:00 p.m., sorry.</p> <p>2 Q. Okay. Until when?</p> <p>3 A. 0300 or 3:00 a.m.</p> <p>4 Q. Okay. And how long have you worked that</p> <p>5 shift?</p> <p>6 A. Almost my entire career I was in different</p> <p>7 units, but we rotate -- we do -- we're doing two months</p> <p>8 on evenings or two periods, which is 28 days, on</p> <p>9 evenings and one period on days.</p> <p>10 Q. Okay. And is 6:00 p.m. to 0300 hours</p> <p>11 considered evenings?</p> <p>12 A. Correct.</p> <p>13 Q. And is -- your rank is police officer?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Have you ever taken a test for a</p> <p>16 promotion?</p> <p>17 A. Yes, I have.</p> <p>18 Q. And when was the last time?</p> <p>19 A. I don't remember.</p> <p>20 Q. Before you were assigned to the Citywide</p> <p>21 Community Safety Team, what was your assignment?</p> <p>22 A. I was assigned to Gangs for not long.</p> <p>23 Q. Less than a year?</p> <p>24 A. I don't recall, but yeah, roughly around that.</p> <p>25 Yeah, about a year maybe.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. And did you personally work with confidential</p> <p>2 informants?</p> <p>3 A. I had, yes.</p> <p>4 Q. Okay. And -- but when you moved to gangs, you</p> <p>5 weren't doing that anymore?</p> <p>6 A. In gangs, we were still doing it,</p> <p>7 I didn't -- I don't recall writing any more warrants.</p> <p>8 Q. Okay. And what about the switch from gangs to</p> <p>9 the community safety team, what was the difference</p> <p>10 between those?</p> <p>11 A. It was -- how can I say it?. We would get</p> <p>12 sent to a district and pretty much kind of more like for</p> <p>13 visibility, I would say.</p> <p>14 Q. Visibility?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. So you -- do you mean that you were not</p> <p>17 doing as many missions?</p> <p>18 A. No, it was just more like, they would send me</p> <p>19 to a district and we were back in uniform.</p> <p>20 Q. Okay.</p> <p>21 A. With marked police vehicles, and just kind of</p> <p>22 where there's a spike in crime, then we would be there,</p> <p>23 try to, you know, have a presence --</p> <p>24 Q. Okay.</p> <p>25 A. -- to reduce --</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. And did you prefer when you were on a gun team</p> <p>2 when you were doing things like working with</p> <p>3 confidential informants?</p> <p>4 A. I liked it. Yeah, I did like it a lot.</p> <p>5 Q. Why did you --</p> <p>6 A. It's just different times now.</p> <p>7 Q. Okay. What do you mean different times?</p> <p>8 A. I don't know, just the whole -- like, I -- I</p> <p>9 would say the whole the environment that we're in.</p> <p>10 Q. Do you feel like you -- officers are expected</p> <p>11 to be less aggressive now than they were before?</p> <p>12 A. I wouldn't say that, no.</p> <p>13 Q. What would you say is the difference in the</p> <p>14 environment now?</p> <p>15 A. Just, you know, like -- I -- would say like</p> <p>16 society doesn't really like the police right now or</p> <p>17 stuff like that. So you know, everything's -- we have a</p> <p>18 lot of negative stuff, I guess towards the police.</p> <p>19 Q. Is that something that you feel personally?</p> <p>20 A. I don't -- I don't -- I don't understand what</p> <p>21 you're asking me, in what way or --</p> <p>22 Q. Yeah. I -- have you had personal interactions</p> <p>23 where you have felt that people not liking the police</p> <p>24 has affected you doing your job?</p> <p>25 MR. MICHELINI: Objection to form. You can</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay. And also, as you've been doing, please</p> <p>2 continue to give verbal answers to questions instead of</p> <p>3 saying uh-huh or shaking your head. Do you understand</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. And is there any reason that you wouldn't be</p> <p>7 able to give truthful answers to my questions today?</p> <p>8 A. No.</p> <p>9 Q. Okay. Is -- and as a police officer, do you</p> <p>10 have experience testifying in court?</p> <p>11 A. Yes.</p> <p>12 Q. When was the last time you testified in court?</p> <p>13 A. I don't recall.</p> <p>14 Q. Okay. Is it something you've done -- that you</p> <p>15 did sometime this year, in 2023?</p> <p>16 A. I don't remember.</p> <p>17 Q. Okay. Is it something you've -- okay. Have</p> <p>18 you ever given a deposition like we're doing today?</p> <p>19 A. I have, yes.</p> <p>20 Q. And when was that?</p> <p>21 A. I don't recall the date, it's been some time.</p> <p>22 Q. Yeah. Have you done that more than once?</p> <p>23 A. It was just one time.</p> <p>24 Q. Okay. And was it related to your work as a</p> <p>25 police officer?</p>
<p style="text-align: right;">Page 11</p> <p>1 answer.</p> <p>2 A. I would say we're more -- get out more</p> <p>3 like -- I mean, I -- basically now like on the street,</p> <p>4 I mean, everybody says, "Fuck 12" all the time. As soon</p> <p>5 as you drive by, they give you the finger, it's --</p> <p>6 there's not a lot of -- it's a lot of instigating</p> <p>7 towards -- people instigating things towards us, I would</p> <p>8 say.</p> <p>9 BY MR. FLAXMAN:</p> <p>10 Q. And is "Fuck 12," is that something people</p> <p>11 mean, fuck the police?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. After I asked that question, your</p> <p>14 attorney, as he's supposed to do, made an objection on</p> <p>15 the record and as you're supposed to do, you gave an</p> <p>16 answer. I just wanted to make sure that you understand</p> <p>17 that that's how we're going to do it. That if there's</p> <p>18 an objection, I'll still expect you to answer the</p> <p>19 question.</p> <p>20 A. Okay.</p> <p>21 Q. And something else that I could have put on</p> <p>22 the record earlier is that I want you to, as you're</p> <p>23 doing, please let me finish my question and I'll let you</p> <p>24 finish your answer. Is that all right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Yes.</p> <p>2 Q. And have you ever given a deposition that</p> <p>3 wasn't related to your work as a police officer?</p> <p>4 A. No.</p> <p>5 Q. And have you ever testified in court</p> <p>6 that -- in something that wasn't related to your work as</p> <p>7 a police officer?</p> <p>8 A. I'm sorry, can you repeat that?</p> <p>9 Q. Sure. Has there ever been a time where you</p> <p>10 gave testimony in court that was not related to your</p> <p>11 work as a police officer?</p> <p>12 A. I don't recall, I believe not.</p> <p>13 Q. Okay. And do you have any outside employment</p> <p>14 aside from being a police officer?</p> <p>15 A. No.</p> <p>16 Q. Have you ever had outside employment while you</p> <p>17 were a police officer?</p> <p>18 A. I did do like security side jobs before.</p> <p>19 Q. When was the last time you did that?</p> <p>20 A. Oh, it's been a while.</p> <p>21 Q. Okay. In 2017, was that when you were</p> <p>22 assigned to a gun team?</p> <p>23 A. Yes.</p> <p>24 Q. And was there a name for the gun team you were</p> <p>25 assigned to in 2017?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. Yes, there was.</p> <p>2 Q. What was that name?</p> <p>3 A. Area South Gun Team.</p> <p>4 Q. And what does Area South Cover?</p> <p>5 A. We would cover all the south districts.</p> <p>6 Q. And did the gun team have an office?</p> <p>7 A. Yes.</p> <p>8 Q. Where was the office?</p> <p>9 A. We -- we had an office on 116th and Indiana.</p> <p>10 Q. What district is that?</p> <p>11 A. 5th District.</p> <p>12 Q. And how long were you on the Area South Gun</p> <p>13 team?</p> <p>14 A. Best of my recollection, I would say about</p> <p>15 maybe six years.</p> <p>16 Q. And was the reason that you stopped being on</p> <p>17 the gun team was that they got rid of the gun team; is</p> <p>18 that right?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. Did you -- did you apply to be on the</p> <p>21 gun team when you first were assigned there?</p> <p>22 A. I was asked to go to the gun team.</p> <p>23 Q. Who asked you?</p> <p>24 A. Sergeant Boyle -- Patrick Boyle.</p> <p>25 Q. How did you know Sergeant Boyle?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Okay.</p> <p>2 A. Yeah.</p> <p>3 Q. What were you -- were you focused on guns?</p> <p>4 A. That was -- yeah, or not necessarily,</p> <p>5 but anything -- you know, anything illegal.</p> <p>6 Q. Okay. Were you also focused on drugs?</p> <p>7 A. Yes.</p> <p>8 Q. And during your time, did you get a lot of</p> <p>9 experience policing guns and drugs?</p> <p>10 A. Yes.</p> <p>11 Q. All right. I want to ask you questions about</p> <p>12 an arrest of someone named Dennis Jackson on November</p> <p>13 6th of 2017. Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And do you remember the arrest of</p> <p>16 Mr. Jackson in 2017?</p> <p>17 A. Just from going over my report.</p> <p>18 Q. Before looking at your report, did you have</p> <p>19 any memory of it?</p> <p>20 A. Yes, I did just like kind of like the basics</p> <p>21 of it.</p> <p>22 Q. And did the report help you remember more</p> <p>23 details?</p> <p>24 A. Yes.</p> <p>25 Q. Are you referring to an arrest report or case</p>
<p style="text-align: right;">Page 15</p> <p>1 A. He was my sergeant when I was in the 7th</p> <p>2 District on the Technical Team.</p> <p>3 Q. And I'm sorry, you said 7th District?</p> <p>4 A. Correct. 7th District, Englewood.</p> <p>5 Q. Was Sergeant Boyle the sergeant of the Area</p> <p>6 South Gun team?</p> <p>7 A. Yes, he was my direct supervisor.</p> <p>8 Q. Okay. Was he the only sergeant for that gun</p> <p>9 team?</p> <p>10 A. For my team?</p> <p>11 Q. For your gun team?</p> <p>12 A. Yes. Yes.</p> <p>13 Q. Okay. And how many officers?</p> <p>14 A. When I first got there, I think it was -- I</p> <p>15 don't recall, maybe eight or ten.</p> <p>16 Q. And did you say that the -- your gun team</p> <p>17 worked all over the south districts?</p> <p>18 A. Yes.</p> <p>19 Q. And is the name of a gun team representative</p> <p>20 of the work that you do, is the goal to go after guns?</p> <p>21 A. When I was in the gun team?</p> <p>22 Q. Yes.</p> <p>23 A. Yeah. Pretty much every -- it was to develop</p> <p>24 information, you know, and type search warrants and try</p> <p>25 to get, you know, bad guys off the street pretty much.</p>	<p style="text-align: right;">Page 17</p> <p>1 report?</p> <p>2 A. Case report, arrest report, and also my</p> <p>3 transcript from the trial.</p> <p>4 Q. And those are all things you reviewed before</p> <p>5 today's deposition?</p> <p>6 A. I reviewed them, yes.</p> <p>7 Q. Do you recall giving testimony at the trial?</p> <p>8 A. I do.</p> <p>9 Q. You do?</p> <p>10 A. But I -- from my transcript, I -- I testified</p> <p>11 at trial.</p> <p>12 Q. Okay. Well, before looking at the transcript,</p> <p>13 did you remember going to court --</p> <p>14 A. If I did --</p> <p>15 Q. -- and giving that testimony?</p> <p>16 A. -- I didn't think about it at the time.</p> <p>17 Q. You hadn't thought about it?</p> <p>18 A. No.</p> <p>19 Q. Okay. Did you look at anything else besides</p> <p>20 the case report, arrest report, and transcript?</p> <p>21 A. I looked at a case report for one of the --</p> <p>22 the buyer that was arrested, and I also looked at</p> <p>23 co-defendant's arrest report.</p> <p>24 Q. And were those reports that you prepared?</p> <p>25 A. I -- not all of them, I -- I prepared one of</p>

<p style="text-align: right;">Page 18</p> <p>1 the reports.</p> <p>2 Q. Which one did you prepare?</p> <p>3 A. The case report.</p> <p>4 Q. Okay. Let me give you what I'll mark as</p> <p>5 Exhibit 1. Can you tell me what Exhibit number 1 is?</p> <p>6 (EXHIBIT 1 MARKED FOR IDENTIFICATION)</p> <p>7 A. It is the case report.</p> <p>8 Q. And is that the report you were just talking</p> <p>9 about that you prepared?</p> <p>10 A. I believe so, yes.</p> <p>11 Q. And this is a report, and the date on it is</p> <p>12 November 6, 2017, and the first suspect listed is</p> <p>13 Jackson, Dennis D.; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. And the -- if you go to page 2, the second</p> <p>16 subject is McIntyre, M-C-I-N-T-Y-R-E, first name James;</p> <p>17 is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And then on page 3, there's a box that lists</p> <p>20 personnel and your name is listed next to reporting</p> <p>21 officer; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. And is that how you knew that you were the one</p> <p>24 who wrote this report?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Starting at the top on -- no, let me -- please</p> <p>2 look at the -- page 1, sorry.</p> <p>3 A. Oh, page 1.</p> <p>4 Q. Sorry. The -- on the righthand side, the 00</p> <p>5 two lines down, it says, "Unit assigned for 271A".</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And was that your -- is that your</p> <p>9 assignment?</p> <p>10 A. That was my beat, yes.</p> <p>11 Q. Beat? Okay. And did you have a partner that</p> <p>12 day?</p> <p>13 A. Yes, I did.</p> <p>14 Q. And who was your partner?</p> <p>15 A. Officer Edward Garcia.</p> <p>16 Q. Okay. Would he also be 4271A?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And 4271, that was the call sign for</p> <p>19 the gun team, right?</p> <p>20 A. That was my beat, like my call sign.</p> <p>21 Q. Okay. Would the other members of the gun team</p> <p>22 be 4271 different letters?</p> <p>23 A. Yes.</p> <p>24 Q. Underneath the unit assigned, it says, "RO</p> <p>25 arrival date". Do you see that?</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Okay. Do you remember actually typing the</p> <p>2 information to the computer about it?</p> <p>3 A. No.</p> <p>4 Q. And this is a -- we're looking at a printout,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And is the way that you prepared</p> <p>8 reports like this in 2017, that you would type the</p> <p>9 information into a computer?</p> <p>10 A. Yes.</p> <p>11 Q. And so it -- starting on page 2 in the</p> <p>12 Narratives section at the bottom, do you see that?</p> <p>13 A. Okay.</p> <p>14 Q. There's a lot of -- a lot of words that go</p> <p>15 onto the next page, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And are those -- is that information</p> <p>18 that you typed in for this report?</p> <p>19 A. Yes.</p> <p>20 Q. And would you have talked to other officers</p> <p>21 while you were preparing the report?</p> <p>22 A. That I don't remember.</p> <p>23 Q. Okay. Okay. But let me just ask you some</p> <p>24 questions as we go through the report.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Do you know what that means?</p> <p>3 A. It's the time that we arrive.</p> <p>4 Q. Okay. And does RO mean reporting officer?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And so would you have put that</p> <p>7 information into this report?</p> <p>8 A. Yes.</p> <p>9 Q. And the -- and so the date here is November 6,</p> <p>10 2017 at 2220 hours?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And does that mean that you arrived to</p> <p>13 the area of the arrest at that time?</p> <p>14 A. This would be the time of occurrence, I'm not</p> <p>15 sure what the time of arrest was, but --</p> <p>16 Q. Oh, okay. Occurrence, meaning the --</p> <p>17 A. When --</p> <p>18 Q. -- what's described in the report?</p> <p>19 A. Correct.</p> <p>20 Q. All right. Let me just skip down to the</p> <p>21 Narrative section. And it begins, "In summary while on</p> <p>22 patrol, R/Os set up surveillance in the vicinity of 313</p> <p>23 East 120th Place due to narcotic sales in the area". Did</p> <p>24 I read that right?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. Okay. And does "R/Os" mean reporting</p> <p>2 officers?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And who is that referring to in this</p> <p>5 report?</p> <p>6 A. Myself and my partner and also -- yeah, it</p> <p>7 would be myself and my partner.</p> <p>8 Q. And so is that correct, that on November 6,</p> <p>9 2017, you and your partner set up surveillance in the</p> <p>10 area of 313 East 120th Place?</p> <p>11 A. Yes.</p> <p>12 Q. And what does it mean to set up surveillance?</p> <p>13 A. Start watching the location.</p> <p>14 Q. And it says that the -- it was due to narcotic</p> <p>15 sales in the area. Can you tell me what that means?</p> <p>16 A. Yes. Well, to the best of my recollection,</p> <p>17 there would have been probably citizens giving up</p> <p>18 information, calls maybe to the area and also maybe our</p> <p>19 observations of high traffic.</p> <p>20 Q. Okay. Are those -- and do you remember any of</p> <p>21 those specific things that led to this surveillance?</p> <p>22 A. No.</p> <p>23 Q. Okay. And who would make the choice on your</p> <p>24 team to do the surveillance of that location?</p> <p>25 MR. MICHELINI: Objection. Calls for</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Had you made a plan for where they would be?</p> <p>2 A. As enforcement I would ask, they would be</p> <p>3 nearby, you know, but I -- basically, I wouldn't</p> <p>4 specific -- I didn't specifically tell them where to</p> <p>5 work -- to be.</p> <p>6 Q. Okay. And do you know how you and your</p> <p>7 partner got to the area to do the surveillance?</p> <p>8 A. I don't remember if we drove and parked</p> <p>9 somewhere, you know, away from the area or got dropped</p> <p>10 off, that I don't remember.</p> <p>11 Q. And where did you first set up surveillance?</p> <p>12 A. In a vacant property.</p> <p>13 Q. Okay. Do you remember where that property</p> <p>14 was?</p> <p>15 A. Across the street.</p> <p>16 MR. FLAXMAN: Okay. What I have is I have a</p> <p>17 picture -- I have two different pictures, I'll show</p> <p>18 you. The first one I'm -- I'll mark as Exhibit 2.</p> <p>19 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>20 BY MR. FLAXMAN:</p> <p>21 Q. Do you -- do you recognize one of the houses</p> <p>22 in Exhibit 2 as 313 East 120th Place?</p> <p>23 A. Yes, I do.</p> <p>24 Q. And which house is it?</p> <p>25 A. This house.</p>
<p style="text-align: right;">Page 23</p> <p>1 speculation. You can answer.</p> <p>2 A. It would be based on whoever had information</p> <p>3 on the location.</p> <p>4 BY MR. FLAXMAN:</p> <p>5 Q. Okay. Do you know who decided that you and</p> <p>6 your partner would set up surveillance at this location</p> <p>7 on November 6, 2017?</p> <p>8 A. That I don't remember, which one -- who of us</p> <p>9 decided, but --</p> <p>10 Q. Okay. When you do surveillance for narcotic</p> <p>11 sales, is there something called enforcement officers?</p> <p>12 A. Yes.</p> <p>13 Q. And what are enforcement officers</p> <p>14 A. Officers that wait around when they're -- we</p> <p>15 need to get ahold of them.</p> <p>16 MR. FLAXMAN: Let me go off the record.</p> <p>17 (OFF THE RECORD)</p> <p>18 BY MR. FLAXMAN:</p> <p>19 Q. Okay. And in this instance, did you have</p> <p>20 other officers working as enforcement officers?</p> <p>21 A. Yes.</p> <p>22 Q. And when you and your partner were doing</p> <p>23 surveillance, do you know where those enforcement</p> <p>24 officers were?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Okay. Is that the second house from the left?</p> <p>2 A. Correct.</p> <p>3 Q. And did you say that you set up surveillance</p> <p>4 across the street from that address?</p> <p>5 A. Roughly, yes.</p> <p>6 Q. And were you in a spot that you couldn't be</p> <p>7 seen?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And were you behind something or</p> <p>10 what -- how were you unable to be seen where you were?</p> <p>11 A. I was behind a fence.</p> <p>12 Q. Okay. How high was the fence?</p> <p>13 A. I don't recall.</p> <p>14 Q. And was your partner with you at that time?</p> <p>15 A. Yes.</p> <p>16 Q. Were you looking over the fence?</p> <p>17 A. No, I believe I was looking through the gaps</p> <p>18 in the fence.</p> <p>19 MR. FLAXMAN: This is an overhead view. Sorry,</p> <p>20 let me put a sticker on it. I'll mark this as</p> <p>21 Exhibit 3. Thank you.</p> <p>22 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>23 BY MR. FLAXMAN:</p> <p>24 Q. And there's a -- it says where East 120th</p> <p>25 Place is, do you see a house that has a pin on top of</p>

<p style="text-align: right;">Page 26</p> <p>1 it?</p> <p>2 A. Yes.</p> <p>3 Q. Based on this map, does that -- does that</p> <p>4 appear to be 313 East 120th Place?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And so the -- that block is between</p> <p>7 Prairie Avenue and Calumet Avenue; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And it's -- unfortunately, it's not a</p> <p>10 perfect view on this picture, but can you -- can you see</p> <p>11 on this map where you -- where your first location was</p> <p>12 behind that fence?</p> <p>13 A. Yes.</p> <p>14 Q. Let me get a pen and ask you to --</p> <p>15 A. I have a pen.</p> <p>16 Q. Okay. With gratitude to the court reporter,</p> <p>17 can you make an X where you -- your first location of</p> <p>18 surveillance was?</p> <p>19 A. Okay.</p> <p>20 Q. And you said it was approximate, right?</p> <p>21 A. The location, there's a vacant property.</p> <p>22 Q. Okay. So there's a vacant property where you</p> <p>23 made that X?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. And was the fence -- so you -- let me</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. And this report says that while you were on</p> <p>2 surveillance, you then saw suspect drug transactions,</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. And can you tell me how those -- how those</p> <p>6 transactions worked?</p> <p>7 A. An individual would walk out to the -- to</p> <p>8 Dennis, he would tender what appeared was U.S. paper</p> <p>9 currency and the co-defendant, McIntyre, would exit the</p> <p>10 Tahoe on the front passenger seat, he would go walk</p> <p>11 towards the east gangway of the -- of the address in</p> <p>12 question. I assume, go down the gangway and I would</p> <p>13 lose sight of him. Moments later, he would return and</p> <p>14 tender what appeared to be a small item to the waiting,</p> <p>15 unknown citizen who then would walk away.</p> <p>16 Q. Okay. And when you were watching this,</p> <p>17 was Dennis sitting in the driver's seat?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And so the person who you believe was</p> <p>20 buying drugs would speak to Dennis while Dennis was</p> <p>21 sitting in the car?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And did you ever see Dennis get out of</p> <p>24 the car?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 27</p> <p>1 try to ask this a better way. So you are where</p> <p>2 this X is and was the fence to the south of you?</p> <p>3 A. Yes.</p> <p>4 Q. And then further south was the location you</p> <p>5 were watching across the street?</p> <p>6 A. Across the street, yes.</p> <p>7 Q. Okay. And when you were in that location</p> <p>8 behind the fence, is that when you saw the -- a white</p> <p>9 SUV arrive?</p> <p>10 A. Yes.</p> <p>11 Q. And that car parked in front of 313 East 120th</p> <p>12 Place?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Before that car got there, had you seen</p> <p>15 anybody on the street?</p> <p>16 A. I don't recall, but most likely, no, I don't</p> <p>17 recall.</p> <p>18 Q. Okay. And which direction was the -- was that</p> <p>19 white SUV facing?</p> <p>20 A. Eastbound.</p> <p>21 Q. Okay. It's a two-way street, right?</p> <p>22 A. I believe so, yes.</p> <p>23 Q. Could you tell if the -- if the driver of the</p> <p>24 car turned it off when it was parked?</p> <p>25 A. That I don't remember.</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Okay. And when the buyer was talking to</p> <p>2 Dennis, did they talk through the window?</p> <p>3 A. Yes.</p> <p>4 Q. And the -- so we're talking about the driver's</p> <p>5 side window, right?</p> <p>6 A. I believe so, yes.</p> <p>7 Q. Okay.</p> <p>8 A. Yeah.</p> <p>9 Q. Would the buyer then be out in the street,</p> <p>10 talking to him?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And could you see the window going up</p> <p>13 and down between those conversations?</p> <p>14 A. I don't recall, but I would assume it was down</p> <p>15 because it was -- you know, somebody would talk to him.</p> <p>16 Q. So when they had the conversation, it was</p> <p>17 down?</p> <p>18 A. Yes.</p> <p>19 Q. Can you remember if you ever saw it go up</p> <p>20 between two different conversations?</p> <p>21 A. No.</p> <p>22 Q. And you said -- so the first thing is they</p> <p>23 would have a conversation, correct?</p> <p>24 A. Yes.</p> <p>25 Q. And after the conversation or after some words</p>

<p style="text-align: right;">Page 30</p> <p>1 were exchanged, the buyer would give something to</p> <p>2 Mr. Jackson, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And well, could you ever hear those</p> <p>5 conversations?</p> <p>6 A. I could hear, like, the people talking to each</p> <p>7 other, but I couldn't make out exactly what they were</p> <p>8 saying.</p> <p>9 Q. Okay. And could you see what any of the</p> <p>10 people gave to Mr. Jackson?</p> <p>11 A. It appeared to me, it was U.S. paper currency.</p> <p>12 Q. Okay. What could you see to make you think it</p> <p>13 was currency?</p> <p>14 A. Basically, I know what U.S. currency looks</p> <p>15 like, and kind of that's what it appeared to be.</p> <p>16 Q. Yeah. Could you see green in color or</p> <p>17 anything like that?</p> <p>18 A. Like what a -- yeah. See the -- what a bill</p> <p>19 looks like.</p> <p>20 Q. Sure. And you weren't using binoculars,</p> <p>21 right?</p> <p>22 A. I don't recall.</p> <p>23 Q. Okay. Were you taking any pictures or</p> <p>24 anything?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Correct.</p> <p>2 Q. Sorry. Let me -- let me ask the full</p> <p>3 question. They weren't always in front of 313 East</p> <p>4 120th Place, correct?</p> <p>5 A. Yes.</p> <p>6 Q. There were times where they stood on the</p> <p>7 sidewalk in front of a different house?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So that -- those are the two X's where</p> <p>10 possible places they could stand on the sidewalk, right?</p> <p>11 A. Approximate, yes.</p> <p>12 Q. Okay. And then you said the -- you saw</p> <p>13 Mr. McIntyre go through the east gangway;</p> <p>14 is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Can you draw a circle on which one is</p> <p>17 the east gangway?</p> <p>18 A. Sure.</p> <p>19 Q. And when he went down that gangway, did you</p> <p>20 lose sight of him?</p> <p>21 A. Yes.</p> <p>22 Q. And so at some point you relocated, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. But before you relocated, were there</p> <p>25 times that you saw Mr. McIntyre come back down the east</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. And did you take any video of anything?</p> <p>2 A. No.</p> <p>3 Q. And to your knowledge, did any other officers</p> <p>4 take pictures or video of the drug transactions?</p> <p>5 A. No.</p> <p>6 Q. And what happened after the person would hand</p> <p>7 what you believe to be currency to Dennis Jackson</p> <p>8 through the window?</p> <p>9 A. The co-defendant, McIntyre, would exit the</p> <p>10 vehicle and he would walk through the east gangway on</p> <p>11 313th, towards the rear of the residence.</p> <p>12 Q. And while he was doing that, what would</p> <p>13 the person who had handed something through the</p> <p>14 window do?</p> <p>15 A. They would stand on the sidewalk.</p> <p>16 Q. All right. And if you go back to Exhibit</p> <p>17 number 2, I -- there -- there's two things. When you</p> <p>18 say "the sidewalk," do you mean in this median strip or</p> <p>19 all the way up by the house?</p> <p>20 A. Right, they would stand either back here or</p> <p>21 towards the front of the house.</p> <p>22 Q. Okay. Can you draw an X for --</p> <p>23 A. Sure.</p> <p>24 Q. -- what you mean by the sidewalk. Okay. Okay.</p> <p>25 So they weren't always in front of the --</p>	<p style="text-align: right;">Page 33</p> <p>1 gangway?</p> <p>2 A. Yes.</p> <p>3 Q. And that's when you would see him hand</p> <p>4 something to a person waiting on the sidewalk?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Could you tell what he was handing</p> <p>7 them?</p> <p>8 A. It was something small.</p> <p>9 Q. Okay. And you believed it was drugs, right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And that was based on your experience</p> <p>12 as a police officer, right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. After Mr. McIntyre would hand something</p> <p>15 to the person on the sidewalk, did he get back into the</p> <p>16 car?</p> <p>17 A. A few times, he would get in the car. There's</p> <p>18 a few times he was standing still. Best of my</p> <p>19 recollection was maybe a couple times where there was</p> <p>20 another buyer coming already, so he would just out</p> <p>21 there.</p> <p>22 Q. During this time, did you -- did you see</p> <p>23 anybody else on the street who wasn't -- who wasn't</p> <p>24 there to buy drugs or sell drugs?</p> <p>25 A. Best of my recollection, no.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. Okay. Do you know how the buyers knew that</p> <p>2 they could go to that car to buy drugs?</p> <p>3 MR. MICHELINI: Objection. Calls for</p> <p>4 speculation. You can answer.</p> <p>5 A. No.</p> <p>6 BY MR. FLAXMAN:</p> <p>7 Q. Based on your experience as a police officer,</p> <p>8 is there anything that people selling drugs do to</p> <p>9 advertise their location?</p> <p>10 MR. MICHELINI: Objection. Hypothetical.</p> <p>11 You can answer.</p> <p>12 A. A lot of times, they utilize a phone or</p> <p>13 people -- buyers would just know based on previous --</p> <p>14 previous patients. Like, if they see a particular car,</p> <p>15 they know they're -- if the car is there, they know</p> <p>16 they're -- they're, you know, serving. If the -- the</p> <p>17 car is not there, obviously they're not there, you know?</p> <p>18 Or utilizing a phone.</p> <p>19 BY MR. FLAXMAN:</p> <p>20 Q. Okay. So at some point, we -- you said that</p> <p>21 you changed your location, right?</p> <p>22 A. Yes.</p> <p>23 Q. Do you remember when was that, how long you'd</p> <p>24 have been watching?</p> <p>25 A. Maybe 30 to 40 minutes there.</p>	<p style="text-align: right;">Page 36</p> <p>1 were in the vacant property with your partner, were you</p> <p>2 in communication with other team members over the radio?</p> <p>3 A. Yes.</p> <p>4 Q. And were you telling them what you were</p> <p>5 observing?</p> <p>6 A. Not necessarily.</p> <p>7 Q. Okay. What were you telling them?</p> <p>8 A. I -- I wasn't -- not at the time. Not during</p> <p>9 that time. So eventually, I got in contact with an</p> <p>10 officer when -- when I wanted them to stop a possible</p> <p>11 buyer.</p> <p>12 Q. Okay. And was that after you moved to a</p> <p>13 different location?</p> <p>14 A. No, that was before.</p> <p>15 Q. Okay. And why did you get in touch -- well,</p> <p>16 you said there were about ten transactions when you were</p> <p>17 on that property -- that vacant property, right?</p> <p>18 A. Approximately.</p> <p>19 Q. Okay. And the one where you called your team</p> <p>20 members to stop the buyer, was that the first one?</p> <p>21 A. No.</p> <p>22 Q. Do you remember where it came in the sequence</p> <p>23 of 10?</p> <p>24 A. No.</p> <p>25 Q. Okay. And why did you tell your team members</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. So you had been across 120th Place for 30 or</p> <p>2 40 minutes?</p> <p>3 A. Approximately, yes.</p> <p>4 Q. And standing in the same location, behind the</p> <p>5 fence?</p> <p>6 A. In the same vacant property.</p> <p>7 Q. Had you been standing there?</p> <p>8 A. Yeah, I mean -- yes, I was.</p> <p>9 Q. And was your partner with you the whole 30, 40</p> <p>10 minutes?</p> <p>11 A. Yes.</p> <p>12 Q. And during that time, how many transactions</p> <p>13 did you see?</p> <p>14 A. I would say approximately ten times.</p> <p>15 Q. Okay. And what -- so what did you do when you</p> <p>16 moved to a different position?</p> <p>17 A. I walked to different location.</p> <p>18 Q. Okay. And why did you do that?</p> <p>19 A. So I could observe where McIntyre was going</p> <p>20 after I lost sight him.</p> <p>21 Q. And did your partner go with you?</p> <p>22 A. No.</p> <p>23 Q. Did he stay in the location where you started?</p> <p>24 A. Yes.</p> <p>25 Q. During the first 30 to 40 minutes when you</p>	<p style="text-align: right;">Page 37</p> <p>1 to stop that buyer?</p> <p>2 A. To verify what the -- what they purchased.</p> <p>3 Q. Had you alerted your team members to any</p> <p>4 buyers before that one?</p> <p>5 A. I'm sorry?</p> <p>6 Q. Before the buyer who you told your team</p> <p>7 members about, had you told your team members about any</p> <p>8 other buyers?</p> <p>9 A. I don't recall.</p> <p>10 Q. Okay. And was there any particular reason</p> <p>11 that you wanted them to stop this buyer we're talking</p> <p>12 about?</p> <p>13 A. No.</p> <p>14 Q. Okay. And do you remember what you said over</p> <p>15 the radio?</p> <p>16 A. I gave -- gave a description of the vehicle</p> <p>17 the buyer was in, the subject's physical description,</p> <p>18 and direction of flight.</p> <p>19 THE REPORTER: Direction of what?</p> <p>20 THE WITNESS: Flight.</p> <p>21 THE REPORTER: Okay.</p> <p>22 BY MR. FLAXMAN:</p> <p>23 Q. And did you get a report back from the</p> <p>24 officers about that person?</p> <p>25 A. Yes. Eventually, we were informed they had</p>

<p style="text-align: right;">Page 38</p> <p>1 stopped the -- the suspect.</p> <p>2 Q. And did they tell you that they found drugs on</p> <p>3 him?</p> <p>4 A. I was informed that it was positive.</p> <p>5 Q. And when you say "positive," do you mean that</p> <p>6 they -- the other officers found drugs on that person?</p> <p>7 A. What I -- to my understanding, when they</p> <p>8 related to me it was positive, I assumed they had the</p> <p>9 right person I described along with narcotics.</p> <p>10 Q. Okay. And was that before you moved to</p> <p>11 another location?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And do you remember who -- oh, I'm</p> <p>14 sorry. Do you remember which officer related that the</p> <p>15 stop of that individual was positive?</p> <p>16 A. That, I don't recall.</p> <p>17 Q. Okay. So then, when you changed locations,</p> <p>18 where did you go to?</p> <p>19 A. I ended up in the -- in the rear of that</p> <p>20 residence.</p> <p>21 Q. And if you go back to Exhibit 3 --</p> <p>22 A. Yes.</p> <p>23 Q. -- that's the overhead view. You said you</p> <p>24 ended up somewhere behind that residence on 120th Place?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 40</p> <p>1 that location, did you see Mr. McIntyre coming to behind</p> <p>2 the house?</p> <p>3 A. Yes.</p> <p>4 Q. And what did you see him do?</p> <p>5 A. I observed him open the driver's side door of</p> <p>6 the vehicle that was parked in the back. I observed the</p> <p>7 dome light inside the vehicle come on. I observed him</p> <p>8 lean on the -- like, towards the front driver's side</p> <p>9 seat. He would -- it seemed to me like he would grab</p> <p>10 something and then he would close the door and he would</p> <p>11 walk back towards the same gangway.</p> <p>12 Q. And where -- so was that car parked behind</p> <p>13 313 East 120th Place?</p> <p>14 A. Yes.</p> <p>15 Q. Was it parked in a -- was there a lot back</p> <p>16 there?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And do you remember if there was a</p> <p>19 garage?</p> <p>20 A. There was no garage.</p> <p>21 Q. Okay. Were there other cars in the same lot?</p> <p>22 A. I don't recall.</p> <p>23 Q. And how many times did you see Mr. McIntyre go</p> <p>24 into that car?</p> <p>25 A. Approximately three times.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Do you -- can you show me on that?</p> <p>2 A. Show -- you want me to mark it?</p> <p>3 Q. Yeah. You can just make another X.</p> <p>4 A. Basically, I was right over here.</p> <p>5 Q. Okay. And so that's -- so directly</p> <p>6 behind -- I'm sorry. So you were directly</p> <p>7 behind -- excuse. You were directly behind 313 East</p> <p>8 120th Place, right?</p> <p>9 A. Yes.</p> <p>10 Q. And were you on the other side of the alley</p> <p>11 from there?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And what -- what's over there? Is</p> <p>14 there anything there?</p> <p>15 A. No, it's basically -- it kind of goes up</p> <p>16 a -- up a hill a little bit, to the tracks, and then you</p> <p>17 got, like, a lot of trees and bushes.</p> <p>18 Q. Okay. And were -- was it dark so that you</p> <p>19 were not visible back there?</p> <p>20 A. Yes, that's correct.</p> <p>21 Q. Okay. And how did you walk back there?</p> <p>22 Did you go by the train tracks?</p> <p>23 A. I went -- that's my recollection. I went</p> <p>24 northeast and then around the train tracks, yes.</p> <p>25 Q. Northeast, okay. And once you were behind</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. And each time you saw him come from the</p> <p>2 gangway, go into the car, and then go back through the</p> <p>3 gangway?</p> <p>4 A. Yes.</p> <p>5 Q. Did you ever see him go into any other cars</p> <p>6 back there?</p> <p>7 A. No.</p> <p>8 Q. Okay. And what did you do after you saw</p> <p>9 Mr. McIntyre go to that car approximately three times?</p> <p>10 A. I -- I would talk with my partner on the radio</p> <p>11 and let him know what my observations were.</p> <p>12 Q. And when you talk to your partner on the</p> <p>13 radio, can any other officers hear that?</p> <p>14 A. That, I don't know.</p> <p>15 Q. Do you have a -- do you use a different radio</p> <p>16 when you want to talk to the other members of your team?</p> <p>17 A. No, it's just basically the -- the police</p> <p>18 radios we used to have, car-to-car and they have</p> <p>19 a -- a distance. After a certain distance, you can't</p> <p>20 really hear it anymore.</p> <p>21 Q. When you were in that location behind the</p> <p>22 house, did you have a radio you could have used to talk</p> <p>23 to your other team members?</p> <p>24 A. Yes, I was with -- yeah, I could use my radio</p> <p>25 switching over or -- yeah.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. Was it the same radio, just different</p> <p>2 settings?</p> <p>3 A. Different settings.</p> <p>4 Q. Okay. And after you told your partner what</p> <p>5 you had observed in the back of the house, what</p> <p>6 happened?</p> <p>7 A. He would relate to me what his observations</p> <p>8 were once McIntyre would arrive to the front of the</p> <p>9 residence.</p> <p>10 Q. Okay. And did -- were that -- were those</p> <p>11 observations that he -- what you had seen before, that</p> <p>12 he handed something small to somebody on the sidewalk?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And what happened next?</p> <p>15 A. And we just wait back there.</p> <p>16 Q. And how long were you behind the house?</p> <p>17 A. Maybe 20, 25 minutes.</p> <p>18 Q. Just looking at the report. This is what we</p> <p>19 marked Exhibit number 1.</p> <p>20 A. Sure.</p> <p>21 Q. In the narrative section, there's a reference</p> <p>22 to a female black wearing a black leather jacket?</p> <p>23 A. Yes.</p> <p>24 Q. Do you see that?</p> <p>25 A. One second. I'm sorry. Can you show me --</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And why did you give the description of</p> <p>3 that male black suspect and not the female black?</p> <p>4 MR. MICHELINI: Objection. Calls for</p> <p>5 speculation. You can answer.</p> <p>6 A. I don't recall.</p> <p>7 BY MR. FLAXMAN:</p> <p>8 Q. All right. So -- and I'm sorry. Did -- how</p> <p>9 long did you say -- I believe you said you were in the</p> <p>10 back for about 20 minutes? Correct me if I'm wrong.</p> <p>11 A. Approximate, yes.</p> <p>12 Q. Okay. And what happened after about 20</p> <p>13 minutes?</p> <p>14 A. My partner met me back there and he radioed</p> <p>15 for enforcement officers to detain both McIntyre and</p> <p>16 Dennis Jackson.</p> <p>17 Q. And then -- and did you hear from the</p> <p>18 enforcement officers that they had detained them?</p> <p>19 A. When I was back there, I could see the lights,</p> <p>20 you know, and then I could hear, you know, like, people</p> <p>21 talking. I couldn't make out what it was, but I knew</p> <p>22 the -- I can tell that the enforcement officers were in</p> <p>23 the front.</p> <p>24 Q. Okay. And you could tell that not by the</p> <p>25 radio but by seeing their lights?</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Oh, sure. It might be easier for you --</p> <p>2 A. Oh, okay. Highlighting everything. Okay.</p> <p>3 Q. -- I mean --</p> <p>4 A. Yes, I see that.</p> <p>5 Q. And so is that correct, that you and your</p> <p>6 partner observed a female black wearing a black leather</p> <p>7 jacket, blue plant -- blue pants, approximately 50 years</p> <p>8 old, 5'5", 120 pounds, engaged in a separate but similar</p> <p>9 suspect narcotic transaction with both Jackson and</p> <p>10 McIntyre?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And did you or your partner radio</p> <p>13 enforcement to detain that female black?</p> <p>14 A. I don't recall.</p> <p>15 Q. Okay. The next sentence says, "After separate</p> <p>16 but similar narcotic transactions, ROs radioed</p> <p>17 enforcement officers with a description of a buyer and</p> <p>18 direction of flight, where a male black was stopped". Do</p> <p>19 you see that?</p> <p>20 A. Hold on one second. Let me see. Yes.</p> <p>21 Q. And that's --</p> <p>22 A. Yes, I do.</p> <p>23 Q. Oh, I'm sorry. That's what we were talking</p> <p>24 about before, that the male black who you and your</p> <p>25 partner had given a description of?</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Uh-huh.</p> <p>2 Q. Okay.</p> <p>3 THE REPORTER: Is that a yes?</p> <p>4 THE WITNESS: Yes. Yes.</p> <p>5 MR. FLAXMAN: Thank you.</p> <p>6 BY MR. FLAXMAN:</p> <p>7 Q. And that's something you could see through the</p> <p>8 gangway?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And what did you do after you saw</p> <p>11 the lights in the front on East 120th Place?</p> <p>12 A. I walked up to the -- the vehicle that was</p> <p>13 parked. I went ahead and utilized my flashlight, lit</p> <p>14 the inside of that car, on the passenger -- on the</p> <p>15 driver's side seat, and I observed in plain view two</p> <p>16 clear plastic knotted bags containing multiple smaller</p> <p>17 items, suspect narcotics.</p> <p>18 Q. Was anybody with you at that time?</p> <p>19 A. My -- I believe my partner Garcia was with me.</p> <p>20 Q. And so that happened after you saw the lights</p> <p>21 from the enforcement officers, right?</p> <p>22 A. Yes.</p> <p>23 Q. And after you looked into that car and you saw</p> <p>24 the -- what you thought were bags of drugs, what did you</p> <p>25 do?</p>

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1 A. I -- my partner related to me, I'm going to go
2 see if they have keys to the car -- well, has the keys
3 to the car. So I waited there briefly, and then I -- I
4 just tried the -- the door and it was unlocked.

5 Q. Oh. Did your partner ever come back with
6 keys?

7 A. I don't remember.

8 Q. And then you found the door was unlocked.
9 Did you open the door?

10 A. Yes.

11 Q. Okay. And what did you do next?

12 A. I recovered the items and I -- I found them to
13 be two separate, clear plastic bags, one -- both
14 containing smaller, like, plastic kind of bags, suspect
15 crack cocaine.

16 Q. Okay. And both bags contain suspect crack
17 cocaine?

18 A. Yes.

19 Q. How could you tell that it was suspect crack
20 cocaine?

21 A. Based on my experience and I've seen it many,
22 many times before.

23 Q. Okay. And what does -- what does crack
24 cocaine look like as compared to other --

25 A. Like a white rock-like substance.

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1 Q. And were they -- did you say that there were
2 smaller bags within those bags?

3 A. Yes.

4 Q. Okay. And that's -- you understand,
5 is -- based on your experience, do you expect that to
6 be how somebody selling drugs would hold onto them?

7 A. Yes.

8 Q. Okay. And what did you do -- well, I -- I'm
9 sorry. After, you said you took those bags from the
10 car, right?

11 A. Yes.

12 Q. And what did you do with them?

13 A. I kept them in my possession all the way till
14 we arrived at the -- at our office in the Fifth
15 District.

16 Q. Did -- do you know where you put them? Did
17 you have a pocket somewhere?

18 A. Probably in one of my -- yeah, one of my
19 pockets.

20 Q. And so after you took the bags, what did you
21 do next on the scene?

22 A. I walked up to -- I walked up to the front and
23 both subjects were being detained, and then they were
24 placed in custody and they were transported to the Fifth
25 District.

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1 Q. Do you know who put the -- put the two
2 subjects in custody?

3 A. That, I'm not sure.

4 Q. Okay. Did you -- did you ever identify them
5 as the people who you had been watching?

6 A. On scene, yes.

7 Q. And what does that mean?

8 A. When I walked up to the front, like, yeah,
9 that's those -- the two guys that are sitting in the
10 Tahoe.

11 Q. And how did you know that they were the two
12 who had been sitting in the Tahoe?

13 A. Because I -- the physical description and
14 their facial features.

15 Q. Okay. You had seen their facial features from
16 when you were watching them across the street?

17 A. Yes.

18 Q. Okay. And what did you do after Mr. Jackson
19 and Mr. McIntyre were taken into custody?

20 A. I relocated to the Fifth District to process
21 them.

22 Q. This report that we've been looking at, the
23 case report on the narrative section says that both
24 vehicles involved were towed and impounded. Do you see
25 that?

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1 A. Yes.

2 Q. Were you involved in processing either of
3 those things?

4 A. No.

5 Q. Okay. Do you know who was involved in it?

6 A. I don't remember.

7 Q. Okay. Okay. And this report says that
8 McIntyre was transported by Sergeant Boyle and Officer
9 Burmistrz. Do you see that? Burmistrz?

10 A. Yes.

11 Q. Okay. And you said you don't remember that,
12 but do you have any -- you would've put that -- you
13 wouldn't have put that in if it wasn't correct, right?

14 A. Yes.

15 Q. And the report also says that Dennis Jackson
16 was transported by Officer Lau, L-A-U, and Officer
17 Evans, correct?

18 A. Yes.

19 Q. Okay. And for the court reporter's benefit,
20 I'll spell the -- what was the second officer who
21 transported McIntyre? How do you -- how do you say her
22 name?

23 A. Burmistrz.

24 Q. So it's B-U-R-M-I-S-T-R-Z?

25 A. Yes.

<p style="text-align: right;">Page 50</p> <p>1 Q. Okay. And at the station, you said you</p> <p>2 were -- you worked on processing the -- Mr. McIntyre and</p> <p>3 Mr. Jackson, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And did you speak to either of them at the</p> <p>6 station?</p> <p>7 A. I don't remember if I did.</p> <p>8 Q. Okay. Did you speak to either of them on the</p> <p>9 scene?</p> <p>10 A. I don't recall.</p> <p>11 Q. The first two pages of the report have</p> <p>12 demographic information for Mr. McIntyre and</p> <p>13 Mr. Jackson, like age, height, weight. Do you see those</p> <p>14 things?</p> <p>15 A. Yes.</p> <p>16 Q. Would you -- did you put that information into</p> <p>17 the report?</p> <p>18 A. Yes.</p> <p>19 Q. And would you have gotten that by asking</p> <p>20 Mr. Jackson and Mr. McIntyre for that information?</p> <p>21 A. That or their IDs, one of the two, or my</p> <p>22 observation.</p> <p>23 Q. Okay. Do you know if -- do you know if either</p> <p>24 of those -- the vehicles we've been talking about were</p> <p>25 taken to the station?</p>	<p style="text-align: right;">Page 52</p> <p>1 A. No.</p> <p>2 Q. -- make and model? Do you know any -- what</p> <p>3 neighborhood is the area we've been talking about?</p> <p>4 A. I believe it's Roseland area.</p> <p>5 Q. Okay.</p> <p>6 A. I could be wrong.</p> <p>7 Q. Have you ever heard anyone refer to down the</p> <p>8 hill?</p> <p>9 A. I don't remember.</p> <p>10 MR. FLAXMAN: Okay. All right. Let me -- I</p> <p>11 have a few other documents. I'll try to get through</p> <p>12 them quickly. Let's mark this as Exhibit 4.</p> <p>13 (EXHIBIT 4 MARKED FOR IDENTIFICATION)</p> <p>14 BY MR. FLAXMAN:</p> <p>15 Q. Do you recognize Exhibit 4?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And it's -- the title of the document</p> <p>18 is cut off, but it's -- it looks like it's vehicle and</p> <p>19 seizure at the top?</p> <p>20 A. Vehicle/tow, I believe. Seizure Report.</p> <p>21 Q. Vehicle/tow Seizure Report?</p> <p>22 A. I --</p> <p>23 Q. Is something like what the title is?</p> <p>24 A. Something to that effect. Yeah.</p> <p>25 Q. Okay. And this is dated November 6, 2017, and</p>
<p style="text-align: right;">Page 51</p> <p>1 A. I don't remember.</p> <p>2 Q. Okay. And which -- what station were you at</p> <p>3 for the processing?</p> <p>4 A. The Fifth District.</p> <p>5 Q. District. Where's the Fifth District located?</p> <p>6 A. 727 East 111th Street.</p> <p>7 Q. During the time that you were observing the</p> <p>8 white SUV in front of the house, did you ever see it</p> <p>9 change positions from when it first arrived?</p> <p>10 A. No.</p> <p>11 Q. And was the car running after it arrived; do</p> <p>12 you recall?</p> <p>13 A. I don't recall.</p> <p>14 Q. And did you ever see Dennis Jackson leave the</p> <p>15 car?</p> <p>16 A. No.</p> <p>17 Q. And what was the car in back? Do you remember</p> <p>18 what kind of car it was?</p> <p>19 A. I'm sorry?</p> <p>20 Q. Do you remember what kind of car was --</p> <p>21 A. Dennis?</p> <p>22 Q. -- in the back? No, I'm sorry. The --</p> <p>23 A. Oh, in the back? It was a -- best of my</p> <p>24 recollection, it looked like a blue, four-door sedan.</p> <p>25 Q. You don't remember the --</p>	<p style="text-align: right;">Page 53</p> <p>1 it's about a 2001 Chevy Tahoe with the name of the</p> <p>2 driver listed as Dennis Jackson. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Did you complete any part of this form?</p> <p>5 A. No.</p> <p>6 Q. Okay. Do you know who did?</p> <p>7 A. I don't remember.</p> <p>8 Q. All right. The narrative section says, "Event</p> <p>9 number 00157-vehicle impounded for narcotics". Did I</p> <p>10 read that right?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And was it the standard practice to</p> <p>13 impound a vehicle when you arrested somebody selling</p> <p>14 drugs out of the vehicle?</p> <p>15 A. Yes.</p> <p>16 Q. And in this case, the sellers were using</p> <p>17 another vehicle, right?</p> <p>18 A. Yes.</p> <p>19 Q. And was it -- was it standard practice to</p> <p>20 impound both vehicles?</p> <p>21 A. Yes.</p> <p>22 Q. Line number 31 says, "Requesting a testing</p> <p>23 officer" -- I'm sorry. "Requesting/testing member's</p> <p>24 name". Do you see that?</p> <p>25 A. Yes.</p>

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1 Q. And it lists your name and your partner's
2 name?
3 A. Yes.
4 Q. And was that because the two of you were the
5 lead officers on the arrest?
6 A. Yes.
7 Q. Okay. And there's a signature under that box,
8 we were just looking at that, and number 33; you see
9 that?
10 A. Yes.
11 Q. Do you know whose signature that is?
12 A. That's my signature.
13 Q. Oh, okay. And did you sign it?
14 A. Yes.
15 Q. Okay. Did you write anything else on this
16 form?
17 A. It appears I wrote, like, the -- my name,
18 his name, the stars --
19 Q. Okay.
20 A. -- and then the phone number.
21 Q. But the other information was written in by
22 somebody else, right?
23 A. Yes.
24 Q. Okay. And the -- I didn't ask this, but
25 the -- you said you went back to the station for

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1 processing. Were other members of your team helping with
2 that processing?
3 A. Yes.
4 Q. Next to your signature, there's an approving
5 supervisor's signature. Do you see that?
6 A. Yes.
7 Q. Do you know whose signature that is?
8 A. No.
9 Q. Okay. And the -- all right. So this -- and
10 to be clear, that the -- this refers to the Chevy Tahoe
11 that you saw in front of 313 East 120th Place, right?
12 A. Yes.
13 Q. And would you expect there to also be a
14 similar form for the car that was in the back of that
15 location?
16 A. Yes.
17 Q. All right. You can put Exhibit number 4 to
18 the side. Could you go back to the Case Incident
19 Report, Exhibit number 1? I just want to ask you on the
20 last page, where you're listed as the reporting officer,
21 do you see your name there as the reporting officer?
22 A. Yes.
23 Q. And next to that, there's a number under
24 "user"?
25 A. Yes.

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1 Q. Is that your PC number?
2 A. Yes.
3 Q. Okay. And next to that, there's a date. Do
4 you see that?
5 A. Yes.
6 Q. Do you know, is that the date that you
7 finished the Report? I'm sorry; the date and time that
8 you finished the Report?
9 A. I'm not sure.
10 Q. Based on your memory, do you -- do you think
11 you finished the Report at approximately 3:10 a.m. the
12 day after the arrest?
13 A. Could be, or it could be the time it was
14 approved. I don't know.
15 Q. Oh.
16 A. Yeah.
17 Q. Do you remember -- do you remember how long it
18 took you to complete the report?
19 A. No.
20 MR. FLAXMAN: Okay. Going to mark another
21 exhibit. All right. This is Exhibit number 5.
22 (EXHIBIT 5 MARKED FOR IDENTIFICATION)
23 BY MR. FLAXMAN:
24 Q. And do you recognize Exhibit 5?
25 A. Yes, I do.

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1 Q. And what is it?
2 A. It's the Inventory Sheet for the suspect
3 narcotics that were recovered.
4 Q. Okay. The narcotics that you recovered in the
5 car behind the house, right?
6 A. Yes.
7 MR. MICHELINI: Bates stamp --
8 THE WITNESS: Yeah, it's --
9 THE REPORTER: Was that an objection?
10 MR. FLAXMAN: No. No. No. We're -- he was
11 looking at the Bates stamp number.
12 BY MR. FLAXMAN:
13 Q. Do you know who prepared this Report?
14 A. I believe Officer Evans inventoried the items.
15 Q. Okay. And how do you remember that?
16 A. I think it was from one of the reports.
17 Q. Okay.
18 A. Uh-huh.
19 Q. And this lists your name in the box that says
20 "found by", correct?
21 A. Yes.
22 Q. And that's because you're the one who found
23 these bags in that car behind the residence, correct?
24 A. Yes.
25 Q. Do you have experience creating inventory

<p style="text-align: right;">Page 58</p> <p>1 reports like this one?</p> <p>2 A. Yes.</p> <p>3 Q. And what -- what's your understanding of what</p> <p>4 the "hold for investigation and/or evidence" box means</p> <p>5 for the officer's name there?</p> <p>6 A. That would be when we put whoever's name is on</p> <p>7 there, usually the officer that's going to go to court -</p> <p>8 - to preliminary court hearing.</p> <p>9 Q. Okay. And that's -- and do you know why</p> <p>10 that's Officer Garcia?</p> <p>11 A. He was the one that was going to go to the box</p> <p>12 and the first officer, so he's the Court officer.</p> <p>13 Q. And who made that decision?</p> <p>14 A. I don't remember. Basically, it was a</p> <p>15 decision maybe between me and him.</p> <p>16 Q. Okay.</p> <p>17 A. And I don't recall why we decided he was going</p> <p>18 to go or --</p> <p>19 Q. Okay. And you're -- so you're -- so he's --</p> <p>20 so he is also listed as the first officer on this</p> <p>21 Report?</p> <p>22 A. Yes.</p> <p>23 Q. On the Inventory? And you're listed as the</p> <p>24 second officer, right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 brace". Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Did you ever find out that Mr. McIntyre</p> <p>4 had a back brace with him?</p> <p>5 A. I don't recall.</p> <p>6 Q. Okay. When you were observing him walk behind</p> <p>7 and back near the house, did you ever see him limping in</p> <p>8 any way?</p> <p>9 A. I don't remember.</p> <p>10 Q. You don't remember if he ever had any</p> <p>11 difficulty walking?</p> <p>12 A. No.</p> <p>13 Q. Okay. Handing you what I'm marking as Exhibit</p> <p>14 7. This is a four-page exhibit. Do you recognize</p> <p>15 Exhibit 7?</p> <p>16 (EXHIBIT 7 MARKED FOR IDENTIFICATION)</p> <p>17 A. Yes.</p> <p>18 Q. And what is -- what is this first page?</p> <p>19 A. Traffic Citation.</p> <p>20 Q. And this is a Traffic Citation for Dennis</p> <p>21 Jackson, dated November 6, 2017?</p> <p>22 A. Yes.</p> <p>23 Q. And it's for a license revoked?</p> <p>24 A. Yes.</p> <p>25 Q. Did you complete this Traffic Citation?</p>
<p style="text-align: right;">Page 59</p> <p>1 MR. FLAXMAN: Okay. I'm going to mark another</p> <p>2 Inventory Sheet as number 6.</p> <p>3 (EXHIBIT 6 MARKED FOR IDENTIFICATION)</p> <p>4 A. Thank you.</p> <p>5 BY MR. FLAXMAN:</p> <p>6 Q. All right. Do you recognize Exhibit 6?</p> <p>7 A. It's a -- it's a Personal Property Inventory.</p> <p>8 Q. And is this for personal property that</p> <p>9 take -- was taken from Mr. McIntyre on November 7, 2017?</p> <p>10 A. On -- yeah, November 6th, I would assume.</p> <p>11 Q. Oh, I'm sorry. Well, the -- right. So this</p> <p>12 is property that was taken as part of the arrest we've</p> <p>13 been discussing, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And you're listed, again, as the second</p> <p>16 officer on this Report?</p> <p>17 A. Yes.</p> <p>18 Q. And Officer Garcia is listed as the first</p> <p>19 officer?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And would you have reviewed the -- this</p> <p>22 Inventory Sheet during the processing of Mr. McIntyre?</p> <p>23 A. No.</p> <p>24 Q. Okay. And the first thing listed here is a,</p> <p>25 "Prisoner personal property, other: back</p>	<p style="text-align: right;">Page 61</p> <p>1 A. No.</p> <p>2 Q. Do you know who did?</p> <p>3 A. No.</p> <p>4 Q. Okay. Did you sign it here at the bottom?</p> <p>5 A. Yes.</p> <p>6 Q. And did you learn of the -- at the time</p> <p>7 Mr. Jackson was arrested, that he had a revoked license?</p> <p>8 A. Yes.</p> <p>9 Q. How did you learn that?</p> <p>10 A. I don't remember, but I was informed it</p> <p>11 was --</p> <p>12 Q. Okay.</p> <p>13 A. -- it was revoked.</p> <p>14 Q. Do you remember who informed you?</p> <p>15 A. No. That, I don't remember.</p> <p>16 Q. Okay. And when you say you were informed,</p> <p>17 do you mean another officer told you?</p> <p>18 A. Most likely, yes.</p> <p>19 Q. The second page, it may be the back of that</p> <p>20 form, but I'm just going to ask you to go to the third</p> <p>21 page of this document. Is this another Traffic Citation</p> <p>22 for Dennis Jackson?</p> <p>23 A. Yes.</p> <p>24 Q. Also dated November 6, 2017?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. And was this has your signature at the bottom,</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. But it was prepared by another officer, right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And this one's for operating an</p> <p>7 uninsured vehicle; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Do you remember learning that</p> <p>10 Mr. Jackson was operating an uninsured vehicle?</p> <p>11 A. Yes.</p> <p>12 Q. How did you learn that?</p> <p>13 A. I was either informed or based on their name</p> <p>14 check.</p> <p>15 Q. Okay. And what -- when you say name check,</p> <p>16 what do you mean?</p> <p>17 A. Well, when -- when we stop someone, and we go</p> <p>18 arrest them or do some sort of investigation, we do</p> <p>19 a -- a name check via LEADS. And we get information</p> <p>20 back in regards to if they're wanted, if they have a</p> <p>21 valid ID, expired ID, license, no license, things of</p> <p>22 that nature.</p> <p>23 Q. Would the -- would that report also say</p> <p>24 whether they had insurance?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. That's my partner, Officer Garcia's signature.</p> <p>2 Q. Okay. And there's two signatures for</p> <p>3 Complainant's signature, right?</p> <p>4 A. Yes.</p> <p>5 Q. And then under that, there's a line that says</p> <p>6 "Judge or Clerk", and there's a signature. Do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know who -- whose signature that is?</p> <p>10 A. No.</p> <p>11 Q. Okay. Does it look like the -- somebody with</p> <p>12 the star number 12586?</p> <p>13 A. Yes.</p> <p>14 MR. MICHELINI: Objection. Foundation.</p> <p>15 You can -- he had answered.</p> <p>16 BY MR. FLAXMAN:</p> <p>17 Q. Do you know an officer with that star number?</p> <p>18 A. I don't remember whose star number that is.</p> <p>19 Q. Okay. What's your understanding of what a</p> <p>20 Complaint for Preliminary Examination is?</p> <p>21 A. It's the Criminal Complaint in regards to</p> <p>22 whatever offense they're being charged with.</p> <p>23 Q. Okay. Does this -- does it start the</p> <p>24 prosecution?</p> <p>25 A. I'm sorry?</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. So how would you have found out that</p> <p>2 Mr. Jackson didn't have insurance?</p> <p>3 A. Well, most likely asked if he had insurance.</p> <p>4 Q. Okay. And do you remember if you asked him?</p> <p>5 A. No.</p> <p>6 Q. Just so it might have been you, or it might</p> <p>7 have been another officer?</p> <p>8 A. Yes.</p> <p>9 MR. FLAXMAN: I'm going to mark Exhibit number</p> <p>10 8.</p> <p>11 (EXHIBIT 8 MARKED FOR IDENTIFICATION)</p> <p>12 BY MR. FLAXMAN:</p> <p>13 Q. Do you recognize Exhibit 8?</p> <p>14 A. It's a Complaint for Dennis Jackson. Criminal</p> <p>15 Complaint.</p> <p>16 Q. Okay. And this is for the drugs that we've</p> <p>17 been talking about, right?</p> <p>18 A. Yes.</p> <p>19 Q. Did you fill out this Complaint?</p> <p>20 A. No.</p> <p>21 Q. Okay. Do you know who did?</p> <p>22 A. Not sure.</p> <p>23 Q. Okay. And under -- on the line that says</p> <p>24 "Complainant's signature," do you have a signature</p> <p>25 there?</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Does it start the prosecution?</p> <p>2 A. Yes.</p> <p>3 Q. Are -- do you know what a felony review is?</p> <p>4 A. Yes.</p> <p>5 Q. And is that something that you've done in some</p> <p>6 of your cases?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Am I right that that's not a process</p> <p>9 you'd have to go through for a drug case like this?</p> <p>10 A. Yes.</p> <p>11 Q. All right. I want to switch over to the -- to</p> <p>12 the other person who was arrested, the buyer that you</p> <p>13 observed, and then the main one. Do you remember that</p> <p>14 person?</p> <p>15 A. Yes.</p> <p>16 Q. And what do you remember about him?</p> <p>17 A. From my report -- off the top of my head right</p> <p>18 now, I don't remember anything.</p> <p>19 Q. Okay. Did you write a report about that</p> <p>20 arrest?</p> <p>21 A. No.</p> <p>22 Q. Who did?</p> <p>23 A. I don't remember.</p> <p>24 Q. Okay. Do you know if you did anything</p> <p>25 in -- for processing that person.</p>

<p style="text-align: right;">Page 66</p> <p>1 A. I don't think I did anything for that.</p> <p>2 Q. Okay. Show you -- start with the case report.</p> <p>3 All right. I'm handing you what I've marked as Exhibit</p> <p>4 number 9. Is that the original case incident report for</p> <p>5 the arrest of Nathaniel Johnson on November 6,</p> <p>6 2017?</p> <p>7 (EXHIBIT 9 MARKED FOR IDENTIFICATION)</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And the second box for victim, that</p> <p>10 lists your name, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know why you're listed as the victim</p> <p>13 here?</p> <p>14 A. I was probably going to be the officer going</p> <p>15 to court for that.</p> <p>16 Q. Okay. Did you ever go to court for</p> <p>17 Mr. Johnson?</p> <p>18 A. I don't remember.</p> <p>19 Q. Okay. How does the process work for you going</p> <p>20 to court? How do you find out that the State wants you</p> <p>21 to testify?</p> <p>22 A. You would be notified.</p> <p>23 Q. And how would -- how are you notified?</p> <p>24 A. You -- you check on the iClear on -- on our</p> <p>25 department computer. And you can look up your court</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. When did you learn that?</p> <p>2 A. When I arrived at the Victor Street.</p> <p>3 Q. Okay. And were you surprised that he had</p> <p>4 heroin?</p> <p>5 A. Not necessarily.</p> <p>6 Q. Why not?</p> <p>7 A. Well, I mean, usually people that do drugs,</p> <p>8 they -- you know, a lot of times they have heroin and</p> <p>9 crack. They -- you know, they buy -- they use either or</p> <p>10 sometimes, you know?</p> <p>11 Q. Okay. So do you believe he bought crack from</p> <p>12 Mr. Jackson and Mr. McIntyre?</p> <p>13 A. Yes.</p> <p>14 Q. And so what happened to the crack between the</p> <p>15 time he bought it and the time he was arrested?</p> <p>16 MR. MICHELINI: Objection. Calls for</p> <p>17 speculation. You can answer.</p> <p>18 BY MR. FLAXMAN:</p> <p>19 Q. Okay.</p> <p>20 A. I'm not sure. He could've smoked it. I don't</p> <p>21 know. Throw it away. I don't know. I'm not sure.</p> <p>22 Q. Okay. So since Mr. Johnson did not have the</p> <p>23 crack that he bought from Mr. Jackson and Mr. McIntyre,</p> <p>24 would it be wrong to say that it was a positive arrest?</p> <p>25 MR. MICHELINI: Objection to form. You can</p>
<p style="text-align: right;">Page 67</p> <p>1 notifications.</p> <p>2 Q. Is that something you have to check or do you</p> <p>3 get a notification if there is something there?</p> <p>4 A. You can check it yourself or sometimes the</p> <p>5 sergeant might inform you, you have court.</p> <p>6 Q. And is it an important part of your job to</p> <p>7 show up in court when the State wants you there?</p> <p>8 A. Yes.</p> <p>9 Q. Have -- has there ever been a time where you</p> <p>10 did not appear in court when you were notified to</p> <p>11 appear?</p> <p>12 A. I don't remember.</p> <p>13 Q. Okay. The second page of this report lists a</p> <p>14 reporting officer of Michael Higgins. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Do you take that to mean that Officer</p> <p>17 Higgins prepared this report?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And did you understand that the</p> <p>20 officers who arrested Mr. Johnson found suspect heroin</p> <p>21 on his person?</p> <p>22 A. Yes.</p> <p>23 Q. And did you learn that on the -- at the time</p> <p>24 that he was arrested?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 69</p> <p>1 answer.</p> <p>2 A. It was positive in the sense that he did have</p> <p>3 some sort of controlled substance.</p> <p>4 BY MR. FLAXMAN:</p> <p>5 Q. But he didn't have the controlled substance he</p> <p>6 bought from Mr. Jackson and Mr. McIntyre?</p> <p>7 MR. MICHELINI: Objection to speculation.</p> <p>8 You can answer.</p> <p>9 A. He didn't have crack cocaine. No.</p> <p>10 BY MR. FLAXMAN:</p> <p>11 Q. And that's what you understood Mr. Jackson and</p> <p>12 Mr. McIntyre to be selling?</p> <p>13 A. Yes.</p> <p>14 MR. FLAXMAN: All right. Let me show you the</p> <p>15 next exhibit. I think number 10.</p> <p>16 (EXHIBIT 10 MARKED FOR IDENTIFICATION)</p> <p>17 BY MR. FLAXMAN:</p> <p>18 Q. Oh, I'm sorry. Can you tell me what Exhibit</p> <p>19 number 10 is?</p> <p>20 A. It's a criminal complaint. Felony criminal</p> <p>21 complaint for Nathaniel Johnson.</p> <p>22 Q. Okay. And did you sign this complaint?</p> <p>23 A. Yes, I did.</p> <p>24 Q. Did you prepare the complaint?</p> <p>25 A. I don't remember.</p>

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1 Q. All right. When you signed it, were
2 you -- were you swearing that the allegations against
3 Mr. Johnson were correct?
4 A. Yes.
5 Q. Okay. And underneath your signature, it says,
6 "Subscribe and sworn to before me 6 November, 2017." And
7 there's a signature under that. Do you see that?
8 A. Yes.
9 Q. Okay. And do you know whose signature that
10 is?
11 A. I believe it might be Higgins -- officer
12 Higgins. Not 100 percent sure, though. I -- I haven't
13 worked with the -- those officers for some time --
14 Q. Sure.
15 A. -- so I don't remember their stars anymore.
16 Q. Okay. What was your understanding of what it
17 meant for whoever signed that to be signing it?
18 A. I'm sorry, say that again?
19 Q. Sure. That's a very badly worded question.
20 Underneath your signature for the complainant, another
21 person signs, correct?
22 A. Yes.
23 Q. And what's your understanding of that -- what
24 that second signature means?
25 A. It's clerking.

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1 Q. Okay. And what does clerking mean?
2 A. It means that he's acknowledging that I signed
3 the Complaint.
4 Q. Okay. So you signed it in front of him, and
5 then he signs it?
6 A. Correct.
7 MR. FLAXMAN: All right. We're on number 11.
8 (EXHIBIT 11 MARKED FOR IDENTIFICATION)
9 A. Thank you.
10 BY MR. FLAXMAN:
11 Q. All right. Is Exhibit number 11 an inventory
12 sheet for the bag of drugs that was taken from Nathaniel
13 Johnson?
14 A. Yes.
15 Q. Okay. And did you prepare this inventory
16 sheet?
17 A. I don't think I did.
18 Q. Do you know who did?
19 A. Don't remember.
20 Q. And you're listed as the investigating
21 officer; do you see that?
22 A. Yes.
23 Q. Okay. And we said before, the investigating
24 officer would be expected to be the one called to court;
25 is that right?

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1 A. Yes.
2 Q. Can you remember why you were the
3 investigating officer on this Report?
4 A. No.
5 Q. You don't remember who chose that, right?
6 A. No.
7 Q. Did you ever learn that the State Police found
8 something else in this bag of powder substance suspect
9 heroin?
10 MR. MICHELINI: Objection. Calls for
11 speculation. You can answer.
12 A. No.
13 BY MR. FLAXMAN:
14 Q. And I asked you before about identifying
15 crack. Can you tell me how you would identify something
16 as heroin?
17 A. Usually, it's like a tan or lighter kind of
18 more -- tan or white powdered substance.
19 Q. So it's not rocks, like --
20 A. No.
21 Q. -- crack? Okay. And when you were -- I
22 understand -- I don't mean to say that you created
23 Exhibit number 11. So I -- I'm asking you a question
24 about your practice. When you created an inventory
25 report for a bag of drugs, what was your practice to

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1 inspect the bag?
2 MR. MICHELINI: Objection to form. You can
3 answer.
4 A. Can you --
5 BY MR. FLAXMAN:
6 Q. Sure.
7 A. -- rephrase that?
8 Q. Yeah. When you were -- in your career --
9 A. Uh-huh.
10 Q. -- you -- there have been times when you've
11 done the inventory sheet for drugs that were seized,
12 correct?
13 A. Yes.
14 Q. Would you weigh the drugs?
15 A. Yes.
16 Q. And would you do anything else to observe
17 what's in the bag of drugs?
18 A. I would look at the item, yes.
19 Q. Okay. And would you want to make sure that
20 you're writing down on the inventory sheet everything
21 that's in the bag?
22 A. My -- well, I would write in the inventory
23 sheet if -- what -- the description of the item.
24 Q. Okay. And would you want that description to
25 include everything that was inside of the bag?

<p style="text-align: right;">Page 74</p> <p>1 MR. MICHELINI: Objection to form. Foundation.</p> <p>2 You can answer.</p> <p>3 A. Whatever items were in the bag, I would</p> <p>4 describe what's in the bag. Yes.</p> <p>5 BY MR. FLAXMAN:</p> <p>6 Q. All right. I'm going to give you what I'm</p> <p>7 marking Exhibit number 12.</p> <p>8 (EXHIBIT 12 MARKED FOR IDENTIFICATION)</p> <p>9 A. Thank you.</p> <p>10 Q. You're welcome. This is a multi-page exhibit.</p> <p>11 The first page is on the letterhead of the Illinois</p> <p>12 State Police. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. And it's dated November 15, 2017, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And it's a laboratory report?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And it's addressed to you, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did -- would you have reviewed this report?</p> <p>21 A. I don't remember.</p> <p>22 Q. Okay. Do you have a -- do you remember</p> <p>23 reviewing reports like this during your career as a</p> <p>24 police officer?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 76</p> <p>1 MR. MICHELINI: Calls for hypothetical.</p> <p>2 BY MR. FLAXMAN:</p> <p>3 Q. Okay. And this laboratory report states that</p> <p>4 it's for an inventory number 14037616. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And that's the inventory sheet we looked at</p> <p>7 marked as Exhibit 11, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. If you can page through the -- this</p> <p>10 package to near the end, I'll tell you, you see there</p> <p>11 there's a page marked at the bottom right. If you go to</p> <p>12 the one that says "FCRL 002381," it's the second to last</p> <p>13 page.</p> <p>14 A. Okay. Okay.</p> <p>15 Q. And this is -- says at the top it's a</p> <p>16 discrepancy notification. Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Have you ever seen a discrepancy</p> <p>19 notification like this?</p> <p>20 A. No.</p> <p>21 Q. Okay. And the last line under subject, it</p> <p>22 says, IND. Number/Unit, and then it says "14037616".</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And that's the same inventory sheet we</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. And what -- why would you review these</p> <p>2 reports?</p> <p>3 A. During court procedures.</p> <p>4 Q. Okay. Was it the standard practice that after</p> <p>5 narcotics were inventoried, they were sent to the state</p> <p>6 police for a laboratory to look at them?</p> <p>7 MR. MICHELINI: Objection, hypothetical, calls</p> <p>8 for speculation. You can answer.</p> <p>9 A. Unless they were undercover, their suspect</p> <p>10 drugs are sent to the Illinois Crime Lab for testing and</p> <p>11 analysis.</p> <p>12 BY MR. FLAXMAN:</p> <p>13 Q. Okay. And then the report gets sent back to</p> <p>14 the investigating officer?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And was it your responsibility to</p> <p>17 review those reports?</p> <p>18 A. This report, we usually -- the time we'll see</p> <p>19 this report usually in court.</p> <p>20 Q. So if a case didn't go to court, you wouldn't</p> <p>21 necessarily review it.</p> <p>22 A. Correct.</p> <p>23 MR. MICHELINI: Objection, calls for</p> <p>24 hypothetical. You can answer.</p> <p>25 THE REPORTER: What was that objection?</p>	<p style="text-align: right;">Page 77</p> <p>1 were looking at before?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And underneath of that, it says,</p> <p>4 "A discrepancy was discovered with reference to the</p> <p>5 above listed evidence submitted by the Chicago Police</p> <p>6 Department. Specifically, the inventory sheet</p> <p>7 indicated one narcotics/drug: knotted bag of a tan</p> <p>8 powder substance, suspect heroin".</p> <p>9 MR. MICHELINI: Same objections. Standing</p> <p>10 objections to this exhibit for foundation. You can</p> <p>11 answer.</p> <p>12 BY MR. FLAXMAN:</p> <p>13 Q. Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And then underneath that, it says,</p> <p>16 "Upon inspection, the following was</p> <p>17 discovered: one knotted plastic bag contain powder and</p> <p>18 one tablet". Do you see that?</p> <p>19 MR. MICHELINI: Same standing objection.</p> <p>20 BY MR. FLAXMAN:</p> <p>21 Q. Did I read that portion correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And so do you understand this to say</p> <p>24 that the inventory said there was a bag with powder and</p> <p>25 the Illinois State Police discovered that there was</p>

<p style="text-align: right;">Page 78</p> <p>1 powder and one tablet in the bag?</p> <p>2 MR. MICHELINI: Objection to foundation. Form.</p> <p>3 You can answer.</p> <p>4 A. Yes.</p> <p>5 BY MR. FLAXMAN:</p> <p>6 Q. Okay. Would it be a mistake for a police</p> <p>7 officer to write on the inventory sheet that the bag had</p> <p>8 powder when the bag actually had powder and a tablet?</p> <p>9 MR. MICHELINI: Objection. Form. You can</p> <p>10 answer.</p> <p>11 A. I -- honestly, I -- I didn't see it.</p> <p>12 I -- I would assume maybe I'm -- it's just a maybe,</p> <p>13 maybe that they didn't -- since it was knotted bag,</p> <p>14 all the powder, maybe the pill was in the middle, they</p> <p>15 couldn't really see it.</p> <p>16 BY MR. FLAXMAN:</p> <p>17 Q. Okay.</p> <p>18 A. That could be. I don't know.</p> <p>19 Q. Should they take steps to check inside that</p> <p>20 knotted bag to see if there's a pill?</p> <p>21 MR. MICHELINI: Objection. Calls for a</p> <p>22 hypothetical. You can answer.</p> <p>23 A. I wouldn't -- you know what? It's not</p> <p>24 a -- I mean, I wouldn't open a bag of drugs. I would</p> <p>25 just -- you know, I don't want to get contaminated</p>	<p style="text-align: right;">Page 80</p> <p>1 where your office gave an FCRL Bates stamp, but it</p> <p>2 is not on that document.</p> <p>3 MR. YURCHICH: Is this an audio recording?</p> <p>4 MR. FLAXMAN: This is an audio recording.</p> <p>5 MR. MICHELINI: I mean, you gave us the title</p> <p>6 of it, right?</p> <p>7 MR. FLAXMAN: I think it's just --</p> <p>8 MR. MICHELINI: No?</p> <p>9 MR. FLAXMAN: I think that's good enough</p> <p>10 that -- the title is fine. And we can certainly --</p> <p>11 MR. MICHELINI: Yes. In regards to the</p> <p>12 protective order, yes, I'll --</p> <p>13 MR. YURCHICH: So we'll put this part on</p> <p>14 our --</p> <p>15 MR. FLAXMAN: Yeah. So this part of the</p> <p>16 deposition will be under protect -- under our</p> <p>17 protective order. I'm just going to start the audio</p> <p>18 file at the beginning.</p> <p>19 MR. YURCHICH: And is this Exhibit 13?</p> <p>20 MR. FLAXMAN: I mean, we're not going to attach</p> <p>21 it to the --</p> <p>22 MR. YURCHICH: You don't want to -- okay.</p> <p>23 MR. FLAXMAN: Yeah. So I don't think it needs</p> <p>24 to be marked as anything. Actually, you know, here</p> <p>25 we can do this. For the record, it's -- it was</p>
<p style="text-align: right;">Page 79</p> <p>1 by or -- or exposed to -- some sort of substance,</p> <p>2 illegal substance.</p> <p>3 BY MR. FLAXMAN:</p> <p>4 Q. Before this arrest on November 6, 2017, had</p> <p>5 you interacted with Dennis Jackson?</p> <p>6 A. I don't recall.</p> <p>7 Q. Do you recall giving a statement to the</p> <p>8 Civilian Office of Police Accountability about this</p> <p>9 incident?</p> <p>10 A. I remember going to COPA, yes.</p> <p>11 Q. And you were with a lawyer when you gave that</p> <p>12 statement?</p> <p>13 A. Most likely I was.</p> <p>14 Q. Do you remember the lawyer named Tim Grace was</p> <p>15 with you when the investigators questioned him?</p> <p>16 A. Could be.</p> <p>17 MR. FLAXMAN: Okay. For the record, I'm going</p> <p>18 to play an audio file that was produced to us in</p> <p>19 discovery, Call 027-27 1087456, Statement of Efrain</p> <p>20 Carreno. This is a COPA document, so I believe it's</p> <p>21 under our protective order.</p> <p>22 MR. MICHELINI: Is this a --</p> <p>23 MR. FLAXMAN: It's --</p> <p>24 MR. MICHELINI: Is that FCRL base stamped?</p> <p>25 MR. FLAXMAN: It -- I think there's a place</p>	<p style="text-align: right;">Page 81</p> <p>1 produced as FCRL 000750. All right. Now I'm going</p> <p>2 to start playing it from the beginning.</p> <p>3 (AUDIO RECORDING PLAYED)</p> <p>4 MR. TIGHE: This is a digital audio recorded</p> <p>5 statement of Officer Efrain --</p> <p>6 MR. CARRENO: Yes.</p> <p>7 MR. TIGHE: -- Carreno.</p> <p>8 MR. CARRENO: That's correct.</p> <p>9 MR. TIGHE: I'm taking in connection with COPA</p> <p>10 investigation number 1087456. It is the 17th of</p> <p>11 January 2018. It's about two minutes after 3:00 in</p> <p>12 the afternoon, at we're currently at 1615 West</p> <p>13 Chicago Avenue, 4th floor, Chicago, Illinois, that</p> <p>14 is the headquarters of the Civilian Office of Police</p> <p>15 Accountability. My name is Francis Tighe, T-I-G-H-</p> <p>16 E. I'm an investigator. My identifying information</p> <p>17 is COPA badge number 85. There are three other</p> <p>18 persons present in the room. I'm going to ask each</p> <p>19 of you to identify yourself. Doing that's going to</p> <p>20 help us with voice identification in as much as this</p> <p>21 conversation is being audio recorded. Mr. --</p> <p>22 (AUDIO RECORDING STOPPED)</p> <p>23 MR. FLAXMAN: I just paused it a little after a</p> <p>24 minute of the recording.</p> <p>25 BY MR. FLAXMAN:</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. Can you hear the --</p> <p>2 A. Yes.</p> <p>3 Q. What's being said? Okay. Just wanted to make</p> <p>4 sure. So I will just play it again, and you can hear</p> <p>5 the people in the room introduce themselves.</p> <p>6 (AUDIO/VIDEO RECORDING PLAYED)</p> <p>7 MR. FENCE: Nicholas Fence (phonetic),</p> <p>8 co-investigator number 48.</p> <p>9 MR. GRACE: Tim Grace, G-R-A-C-E, FOP attorney.</p> <p>10 We are in interview room one. There's an antenna</p> <p>11 hanging down with a little listening device appears</p> <p>12 on the tip. There is a video camera to back left.</p> <p>13 I've been assured by Investigator Tighe that's</p> <p>14 non-operational. We do not consent to a video tape</p> <p>15 recording, but we do consent to an audio tape</p> <p>16 recording pursuant to the bargaining agreement.</p> <p>17 MR. TIGHE: And you represent Officer Carreno.</p> <p>18 Am I right?</p> <p>19 MR. GRACE: Yes, sir.</p> <p>20 MR. TIGHE: Yes. You, sir. Your name?</p> <p>21 MR. CARRENO: I am Officer Efrain Carreno.</p> <p>22 My star number is 17367. I'm assigned to area South</p> <p>23 Gun Team Chicago Police Department.</p> <p>24 (AUDIO RECORDING STOPPED)</p> <p>25 BY MR. FLAXMAN:</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Yes.</p> <p>2 Q. And did you cooperate and sit for those</p> <p>3 interviews?</p> <p>4 A. Yes.</p> <p>5 Q. Did you have any -- was there any reason that</p> <p>6 you didn't want to cooperate and sit for those</p> <p>7 interviews?</p> <p>8 A. No.</p> <p>9 Q. All right. Let me skip ahead on this. As I</p> <p>10 told your lawyer, we don't need to listen to the whole</p> <p>11 thing. (Sound effect), I'll wait for that to go by.</p> <p>12 Okay. I'm going to start the recording again. I'm at</p> <p>13 four minutes and seven seconds. Sorry. I'm at four</p> <p>14 minutes and ten seconds. Here we go.</p> <p>15 (AUDIO RECORDING PLAYED)</p> <p>16 MR. TIGHE: And do you wish to say something</p> <p>17 about the nature of this statement?</p> <p>18 MR. CARRENO: Yes, I do.</p> <p>19 MR. TIGHE: Feel free.</p> <p>20 MR. CARRENO: I would like to preface this</p> <p>21 statement by saying that I'm not giving this</p> <p>22 statement voluntarily, but under duress. I'm only</p> <p>23 giving this statement at this time because I have</p> <p>24 been advised by the Chief of Police Department that</p> <p>25 if I do not give a statement, I could face</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Did you recognize your voice?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 MR. FLAXMAN: And for the record, I just paused</p> <p>5 the recording at one minute and 48 seconds.</p> <p>6 MR. MICHELINI: And Joel, it's 4:48. Do you</p> <p>7 want to -- before you start going into that, because</p> <p>8 I don't know how -- the statement takes a little</p> <p>9 bit, right?</p> <p>10 MR. FLAXMAN: Yeah.</p> <p>11 MR. MICHELINI: So do you want -- do you want</p> <p>12 to --</p> <p>13 MR. FLAXMAN: We'll go off the record.</p> <p>14 MR. MICHELINI: Yeah.</p> <p>15 (OFF THE RECORD)</p> <p>16 BY MR. FLAXMAN:</p> <p>17 Q. Okay. So do you recall receiving a notice</p> <p>18 that you were going to be interviewed by COPA?</p> <p>19 A. From this -- from --</p> <p>20 Q. Yeah.</p> <p>21 A. Knowing that? Yeah, I did. I'm pretty sure</p> <p>22 I did.</p> <p>23 Q. And in your career, have there been other</p> <p>24 times when you were interviewed by COPA or some other</p> <p>25 entity about complaints?</p>	<p style="text-align: right;">Page 85</p> <p>1 disciplinary proceedings that could lead to</p> <p>2 termination of my employment. On advice of Counsel,</p> <p>3 I want to object to the delay in this investigation.</p> <p>4 This incident occurred approximately two months ago.</p> <p>5 This delay is prejudicial to my ability to clearly</p> <p>6 recall the details of this incident so that I may</p> <p>7 defend myself in providing clear presentation of</p> <p>8 the facts.</p> <p>9 (AUDIO RECORDING STOPPED)</p> <p>10 BY MR. FLAXMAN:</p> <p>11 Q. Did you hear your voice on the recording?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And is that right, that you weren't</p> <p>14 giving the statement voluntarily?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. And is it right that you were under</p> <p>17 duress to give the statement?</p> <p>18 A. Yes.</p> <p>19 Q. What does that mean, that you were under</p> <p>20 duress?</p> <p>21 A. That I'm forced to give the statement.</p> <p>22 Q. Okay. And so you weren't doing it</p> <p>23 voluntarily?</p> <p>24 A. No.</p> <p>25 Q. And you weren't cooperating with both of them?</p>

<p style="text-align: right;">Page 86</p> <p>1 MR. MICHELINI: Objection to form. You can</p> <p>2 answer.</p> <p>3 A. I was cooperating, but that's -- my statement</p> <p>4 wasn't given voluntarily.</p> <p>5 BY MR. FLAXMAN:</p> <p>6 Q. You felt that you were forced to give it?</p> <p>7 A. I was forced to give it, yes.</p> <p>8 Q. Okay. You also said that the two months since</p> <p>9 the incident was prejudicial to your ability to clearly</p> <p>10 recall that. Did you hear that?</p> <p>11 A. Yes.</p> <p>12 Q. And is that right? That within two months of</p> <p>13 the arrest, you were unable to clearly recall the events</p> <p>14 of the arrest?</p> <p>15 A. There might have been stuff I -- I wouldn't</p> <p>16 remember. It is a possibility, yes.</p> <p>17 Q. Okay. Did you testify at Mr. Jackson's trial?</p> <p>18 A. Yes, I did.</p> <p>19 Q. Okay. And were you unable to clearly recall</p> <p>20 the events of his arrest when you testified?</p> <p>21 MR. MICHELINI: Objection to form,</p> <p>22 argumentative. You can answer.</p> <p>23 A. I went ahead and reviewed my reports, and then</p> <p>24 I testified to what I recall.</p> <p>25 BY MR. FLAXMAN:</p>	<p style="text-align: right;">Page 88</p> <p>1 MR. TIGHE: Tell me about your -- about having</p> <p>2 made his acquaintance. When did that happen?</p> <p>3 MR. CARRENO: I believe a previous -- a</p> <p>4 previous date, we came into contact with him.</p> <p>5 I don't recall -- I don't -- I believe we -- there</p> <p>6 was nothing issued or no citation or anything. It</p> <p>7 was just a conversation. I don't recall if I read</p> <p>8 his name or not, but I know he had a cup and had</p> <p>9 been drinking, and I also -- he walked away from us,</p> <p>10 from our view quickly. And I think one of us, is my</p> <p>11 partner and myself, we got out of the vehicle,</p> <p>12 looked around. I thought he might have tossed</p> <p>13 something like that. He walked along the sidewalk,</p> <p>14 and then we looked and none was there. And then he</p> <p>15 mother fucked us and, you know, like,</p> <p>16 we didn't -- we just -- soon after that, we just</p> <p>17 left it alone.</p> <p>18 MR. TIGHE: Okay.</p> <p>19 MR. CARRENO: Because there was -- where</p> <p>20 we -- where I saw him go, where he disappeared from</p> <p>21 us behind a vehicle, or it was to the south of -- a</p> <p>22 vehicle was parked. I didn't see anything</p> <p>23 that -- you know, like a rock, like drugs on the</p> <p>24 floor or anything for us. You know, I had -- I</p> <p>25 didn't want to get into --</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. Okay. So two months after the incident,</p> <p>2 you weren't able to clearly recall. That's what you</p> <p>3 told COPA?</p> <p>4 MR. MICHELINI: Objection, argumentative. Form.</p> <p>5 You can answer.</p> <p>6 A. I would say that after two months, there's a</p> <p>7 possibility I wouldn't recall every detail.</p> <p>8 BY MR. FLAXMAN:</p> <p>9 Q. All right. And would that also be true a few</p> <p>10 years later when you testified at the trial?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. I'm just going to play one other</p> <p>13 portion of that interview. All right. I'm at, for the</p> <p>14 record, 24 minutes and 11 seconds into the interview.</p> <p>15 (AUDIO RECORDING PLAYED)</p> <p>16 MR. TIGHE: Had you ever made the acquaintance</p> <p>17 of either of these two individuals prior to the date</p> <p>18 in question?</p> <p>19 MR. CARRENO: Yes. This -- the person</p> <p>20 that's --</p> <p>21 MR. TIGHE: Mr. Jackson?</p> <p>22 MR. CARRENO: -- has the complainant, and it's</p> <p>23 the -- the person that accused me of whatever.</p> <p>24 MR. TIGHE: Mr. Jackson?</p> <p>25 MR. CARRENO: Mr. Jackson. Yes.</p>	<p style="text-align: right;">Page 89</p> <p>1 MR. TIGHE: When did -- at any point during the</p> <p>2 surveillance that you were conducting, did you --</p> <p>3 (AUDIO RECORDING STOPPED)</p> <p>4 BY MR. FLAXMAN:</p> <p>5 Q. All right. Were you able to hear the</p> <p>6 questions and your answer on the recording?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And did that help you remember</p> <p>9 interacting with Mr. Jackson sometime before the arrest</p> <p>10 we've been talking about?</p> <p>11 A. Yes.</p> <p>12 Q. And do you recall when that was before the</p> <p>13 arrest?</p> <p>14 A. No.</p> <p>15 Q. Okay. I think you said that it was a day</p> <p>16 before, or more -- or a few days before. But you don't</p> <p>17 remember?</p> <p>18 A. It might've been. I don't remember.</p> <p>19 Q. Okay. And is your memory now the same, that</p> <p>20 Mr. Jackson had a cup and had walked away from you</p> <p>21 quickly?</p> <p>22 A. From the audio, yes.</p> <p>23 Q. Okay. And well, do you remember that or --</p> <p>24 A. No.</p> <p>25 Q. No?</p>

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1 A. No.

2 Q. But you're just going based on what you said

3 back then?

4 A. Yes.

5 Q. Okay. So -- and I just want to be clear. You

6 know, there -- there's relying on what you said in this

7 interview, and there's having your memory refreshed. And

8 so what you're saying is that hearing this, you --

9 you're sure you were telling the truth then, but you

10 don't -- it doesn't remind you of what happened; is that

11 right?

12 A. That's right.

13 Q. Okay. Something else you said is that he

14 mother fucked us. Did you hear that?

15 A. Yes.

16 Q. And what does that mean?

17 A. Probably say "fuck you guys" or "fuck the

18 police". I don't know.

19 Q. So he said something --

20 A. Something, yeah, negative towards the police.

21 Q. Okay. And when you gave the statement to

22 COPA, it was your intent to give -- to tell him the

23 truth, right?

24 A. Yes.

25 Q. And you did tell them the truth, right?

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1 A. Yes.

2 MR. FLAXMAN: Why don't we just go off the

3 record? We'll take a break.

4 (OFF THE RECORD)

5 THE REPORTER: Back on record.

6 BY MR. FLAXMAN:

7 Q. I just wanted to go back quickly to two

8 different things. The first one was when you described

9 Mr. McIntyre taking the gangway to go behind the house

10 and then come back, did he walk at a normal speed when

11 he was doing that?

12 A. I would say he would walk there, not run

13 there, but he would walk there.

14 Q. Okay.

15 A. But at a quick pace.

16 Q. Walk at a quick pace?

17 A. Right.

18 Q. Okay. And then with respect to the buyer who

19 was arrested, Mr. Johnson, did you learn when he was

20 taken to the police station?

21 A. No.

22 Q. Okay. You don't -- do you know if he

23 was -- if he was brought to the station before

24 Mr. Jackson and Mr. McIntyre were arrested?

25 A. I would assume before.

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1 Q. Okay.

2 A. Because we -- you know, he was detained

3 earlier.

4 Q. Okay. And that -- was he detained -- how much

5 time elapsed between the time he was arrested and the

6 time Jackson and McIntyre was arrested?

7 A. I don't recall.

8 Q. Okay. But it was -- it would've been

9 something like half an hour?

10 MR. MICHELINI: Objection. Calls for

11 speculation. You can answer.

12 A. That would -- that happens.

13 BY MR. FLAXMAN:

14 Q. Okay. I think -- I think we -- I think we

15 established some other events, so I won't --

16 A. Right.

17 Q. -- I won't confuse things with this. When you

18 talk about processing somebody at the -- at the police

19 station, the one thing we talked about was writing

20 reports, correct?

21 A. Yes.

22 Q. Is it -- is there anything else that you do as

23 an officer when you're processing someone who's

24 arrested?

25 A. There's a search.

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1 Q. Okay.

2 A. And then you bring them to lockup to get

3 printed.

4 Q. Okay.

5 A. Once the reports are approved.

6 Q. Okay. And so that was -- so where are they?

7 Where does the arrestee go while the reports are being

8 worked on by you and other officers?

9 MR. MICHELINI: Objection. Calls for

10 hypothetical. You can answer.

11 A. They're usually held in a processing room.

12 BY MR. FLAXMAN:

13 Q. Okay. Was there a processing room that your

14 team normally used when you were on that gun team?

15 A. Depends on -- let's assume the Fifth District.

16 You know, they --

17 Q. Yeah.

18 A. -- every one's got its processing rooms.

19 You would use whichever one's available.

20 Q. Okay. And I think what you said was that

21 after the arresting officers complete the reports and

22 then they're approved is when you take the arrestee to

23 lock up?

24 A. Yes.

25 Q. And who -- which -- there's more than one

Page 94

1 approval; is that right?

2 A. I'm not sure what you're asking.

3 Q. The -- what approval are you talking about

4 when you say --

5 A. Well, your arrest report, the probable cause

6 gets approved, and obviously your case report will be

7 needed to be approved.

8 Q. Okay. Who approves it?

9 A. In this case, my -- there's a possibility that

10 my sergeant would approve the case, but the arrest --

11 the arrest would've -- have been approved by the -- by

12 the desk sergeant, would approve that, the arrest.

13 Q. Okay. And after that happens is when the

14 arrestee is taken to the lockup?

15 A. Yes.

16 Q. Would that be the responsibility of the

17 officer who did the reports?

18 A. Not necessarily.

19 Q. So another officer could take the arrestee to

20 the lockup?

21 A. Yes.

22 Q. Okay. And where was the lockup in the Fifth

23 District?

24 A. You want me to describe how it looks?

25 Q. Well is it on the same floor? In the

Page 95

1 basement?

2 A. On the same -- no, it's on the same floor.

3 Q. Okay.

4 A. On the main level.

5 Q. Okay. Was your -- was it -- did the gun team

6 have an office?

7 A. Yes.

8 Q. Was that also on the main level?

9 A. No.

10 Q. Where was that?

11 A. On the -- on the second floor.

12 Q. Okay. And where were the processing rooms?

13 A. On the first floor.

14 Q. Do you know if Mr. Jackson and Mr. McIntyre

15 were in the same processing room while -- during

16 processing?

17 A. That I don't remember.

18 Q. Was it your practice to put more than one

19 arrestee into a processing room?

20 MR. MICHELINI: Objection. Hypothetical.

21 You can answer.

22 A. I -- my -- my personal -- I wouldn't put

23 them -- depends. It all depends. Depends what's

24 available --

25 BY MR. FLAXMAN:

Page 96

1 Q. Okay. Sure.

2 A. -- and if there's -- if the room is only for

3 one person or, you know, for multiple people.

4 Q. Okay. How many processing rooms are there at

5 the Fifth District?

6 A. I don't remember. Maybe five. Approximately

7 five. I don't recall.

8 MR. FLAXMAN: Okay. All right. I don't have

9 any other questions for you. So thank you for your

10 time. Turn it over to your lawyer if he has

11 questions.

12 MR. MICHELINI: Yeah, just take a break real

13 quick.

14 (OFF THE RECORD)

15 THE REPORTER: Back on the record.

16 CROSS-EXAMINATION

17 BY MR. MICHELINI:

18 Q. All right. Officer Carreno, in your

19 experience as a police officer, how many suspected

20 narcotics transactions have you observed?

21 A. Multiple.

22 Q. Okay. Can you approximate how many?

23 A. I would say over 100.

24 Q. Okay. And are you familiar with different

25 types of systems that people who deal drugs -- strike

Page 97

1 that. Are you familiar with different ways that people

2 deal drugs? Different practices?

3 A. Yes.

4 Q. All right Is one of the practices of narcotics

5 transaction that you have observed in your career as a

6 police officer been situations in which a person,

7 a buyer, tenders currency to an individual, and then a

8 separate individual tenders drugs to the buyer?

9 A. Yes.

10 Q. Okay. That use of a separate person handling

11 the cash and a different person tendering drugs to the

12 buyer, that system is used to defeat prosecution and

13 arrest; is that fair?

14 MR. FLAXMAN: Objection. Foundation.

15 A. Yes.

16 BY MR. MICHELINI:

17 Q. Okay. And by that, I mean, it is tougher to

18 prove that the person who received the cash had

19 knowledge of the drug transaction; is that correct?

20 MR. FLAXMAN: Objection. Foundation.

21 A. Yes.

22 BY MR. MICHELINI:

23 Q. Okay. And you said that you've observed over

24 a hundred suspected narcotics transactions in your

25 career as police officer; is that right?

Page 98

1 A. Yes.

2 Q. Approximately how many of the suspected
3 narcotics transactions that you observed -- have
4 observed included a system that I just described where
5 one person receives the cash and a different person
6 tenders the drugs to a buyer?

7 A. Many, many times.

8 Q. Okay. Can you approximate how many?

9 A. Close to 100, if that.

10 Q. Okay. Have you observed other types of drug
11 transactions besides the system that I just described?

12 A. Yes.

13 Q. Okay. What are those?

14 A. I have -- I have observed guys just
15 having -- when it comes to cannabis, having like
16 cannabis on them, or in a bag, and walking over,
17 the same guy walking over to the -- to retrieve items,
18 and then tendering the item to -- to a buyer.

19 Q. Okay. And so what you're describing is a
20 situation in which a buyer approaches a dealer, hands
21 that dealer cash, and then that same dealer hands that
22 person narcotics; is that right?

23 A. Yes.

24 Q. Okay. And you said that you've seen hundreds
25 of narcotics -- suspected narcotics transactions, and

Page 99

1 you've seen both the system in which there's only one
2 person dealing with the buyer, and also a system where
3 there's separate individuals dealing with the buyer; is
4 that right?

5 A. That's correct.

6 Q. Okay. I want to direct your attention back to
7 November 6th of 2017. So that location, that general
8 area on -- I'm sorry, 120th place, is that location
9 known to be a high narcotics sales area?

10 A. At the time it was.

11 Q. Okay. And how did you know that?

12 A. By my observations of the traffic, like
13 pedestrian traffic, vehicle traffic, calls there to the
14 area at the time, and also interaction with citizens
15 that live in or walk through that area.

16 Q. Okay. And so you're saying that sometimes
17 people would call about a narcotics transaction in that
18 area near 313 East 120th place?

19 MR. FLAXMAN: Objection. Foundation.

20 A. Yes.

21 BY MR. MICHELINI:

22 Q. Okay. And also you had personally observed
23 other suspected narcotics transactions occurring in that
24 same general area; is that fair?

25 A. Yes.

Page 100

1 Q. Okay. And also you mentioned that you had
2 spoken to people regarding narcotics transactions
3 occurring in that area; is that right?

4 A. Yes.

5 Q. Okay. And all those things led you, or lead
6 you to believe that that area was a high narcotics sales
7 area, correct?

8 A. Yes.

9 Q. Okay. On that date, November 6, 2017,
10 is those reasons you just described the reasons that you
11 had set up in that area to surveil that location?

12 A. Yes.

13 Q. Okay. You said that you and Officer Garcia
14 were behind a fence; is that right?

15 A. Yes.

16 Q. Okay. And you said you were looking through
17 the fence?

18 A. Yes. Through the gaps of the fence.

19 Q. Okay. All right. Other than the fence,
20 was there anything obstructing your view of the vehicle
21 that you observed pull up in front of 313 East 120th
22 place?

23 A. No.

24 Q. It was nighttime out, right?

25 A. Yes.

Page 101

1 Q. So it was dark?

2 A. Yes.

3 Q. Okay. Was there any artificial lighting in
4 the area?

5 A. Yes, there was.

6 Q. Okay. Well, describe the artificial light.

7 A. There was -- there's some light, light pole
8 with a light, the street light, almost directly in front
9 of the address there of 313 East, 120th place.

10 Q. Okay. And that's where the white truck pulled
11 up in front of, correct?

12 A. Yes.

13 Q. Okay. So the white truck was almost directly
14 below the streetlight; is that fair?

15 A. Yes.

16 Q. Okay. When you saw the truck pull up, were
17 there two people in the car?

18 A. Yes.

19 Q. Okay. And there was a driver and then also a
20 front seat passenger, right?

21 A. Yes.

22 Q. Okay. You now know that the driver was named
23 Dennis Jackson, right?

24 A. Yes.

25 Q. And then you also know that the front seat

Page 102

1 passenger is James McIntyre, right?

2 A. Yes.

3 Q. Okay. At the time that you observed them pull

4 up and also throughout the suspected narcotics and

5 transactions, when you were behind the fence to the

6 north of that location, were you able to tell who these

7 people were?

8 A. No.

9 Q. So Plaintiff's Counsel asked you some

10 questions about a prior interaction that you had with

11 Mr. Jackson. Do you remember that?

12 A. Yes.

13 Q. Okay. And you said that, you know, maybe a

14 few days before you had an interaction with Mr. Jackson

15 in which he mother fucked you; is that right?

16 A. Yes.

17 Q. Okay. At the time when you were observing the

18 suspected narcotics transactions while Mr. Jackson was

19 seated in the front seat, could you tell that that was

20 Mr. Jackson at the time?

21 MR. FLAXMAN: Objection. Foundation.

22 A. No.

23 BY MR. MICHELINI:

24 Q. Okay. It wasn't until after Mr. Jackson had

25 been arrested, detained by other enforcement officers

Page 103

1 that you realized that that this was Mr. Jackson,

2 correct?

3 MR. FLAXMAN: Objection. Foundation. Misstates

4 the testimony.

5 A. That's correct.

6 BY MR. MICHELINI:

7 Q. Okay. Was there anything else -- you said you

8 were looking through the fence, was anything else

9 obstructing your view to the vehicle while you were

10 observing these suspecting narcotics transactions,

11 while you were behind the fence?

12 A. No.

13 Q. Okay. And to be clear, you would observe an

14 individual approach that white truck on the driver's

15 side, right?

16 A. Yes.

17 Q. Okay. And that individual would have a

18 conversation with the driver, correct?

19 A. Yes.

20 Q. Okay. And after a short conversation, that

21 individual would tender what you believe to be US

22 currency to the driver of that vehicle, correct?

23 A. Yes.

24 Q. Okay. And they would tender that currency

25 through the window of that car?

Page 104

1 A. Yes.

2 Q. Okay. After you observed that, the front seat

3 passenger would exit that vehicle; is that fair?

4 A. Yes.

5 Q. Okay. And that front seat passenger that you

6 now know to be, Mr. McIntyre would walk south down that

7 gangway that you described earlier, correct?

8 A. Yes.

9 Q. Okay. And you mentioned that the person that

10 had the conversation with the driver would then wait

11 somewhere near the sidewalk; is that correct?

12 A. Yes.

13 MR. FLAXMAN: Objection, misstates testimony.

14 BY MR. MICHELINI:

15 Q. Okay. And that person on the sidewalk, would

16 they -- what were they doing while they were standing on

17 the sidewalk?

18 A. They were standing there. They would look

19 around, kind of just wouldn't do much, but be kind of on

20 the look -- looking back and forth.

21 Q. Okay.

22 A. Kind of seemed like they were antsy to walk

23 away.

24 Q. Okay. And then after you observed -- you said

25 it was approximately ten times you saw this pattern?

Page 105

1 A. Yes.

2 Q. Okay. After you observed Mr. McIntyre,

3 the front seat passenger, return down the gangway,

4 you would observe Mr. McIntyre hands a small object to

5 that person. Is that what you said?

6 A. Yes.

7 Q. Okay. And you said you couldn't tell what

8 that object was, right?

9 A. That's correct.

10 Q. Okay. But after that -- could you just

11 describe that transaction, that hand-to-hand, what would

12 it look like?

13 A. It would look like McIntyre's hand going, the

14 other guy holding out his palm and then it would grab

15 like -- dropping something small and he would

16 walk -- grab it and walk away.

17 Q. Okay. And on each of those occasions that you

18 observed this, after Mr. McIntyre appeared to hand

19 something small to that person, what would that person

20 do?

21 A. They would quickly -- they would quickly walk

22 away.

23 Q. Okay. And based on your experience and

24 training and your -- in your career as a police officer,

25 you suspect that those would be narcotics transactions,

Page 106

1 correct?

2 A. Yes.

3 Q. Okay. One of those transactions was with an

4 individual now known to be Nate Johnson; is that right?

5 A. Yes.

6 Q. Okay. When Nate Johnson arrived, he arrived

7 in the car. Is that fair to say?

8 A. Yes.

9 Q. Okay. And then did you see what seat of the

10 car he got out of?

11 A. Best of my recollection, he got out behind the

12 driver's side.

13 Q. Okay. Was it the front or the rear? Was it?

14 A. Rear.

15 Q. Okay. Okay. He was in the back of the car?

16 A. Yes.

17 Q. Okay. Did you observe if there was any other

18 people in the car?

19 A. There was other people, yes.

20 Q. Okay. And so after you observed -- and when

21 you observed the individual that you now know as Nate

22 Johnson, the same pattern occurred that you had

23 described earlier, correct?

24 A. Yes.

25 Q. Okay. Approaches the driver's side, right?

Page 107

1 A. Yes.

2 Q. Okay. Tenders what you believe to be US

3 currency, right?

4 A. Yes.

5 Q. McIntyre walks on the gangway, correct?

6 A. Yes.

7 Q. McIntyre returns?

8 A. Yes.

9 Q. And then McIntyre tenders a small item to

10 Mr. Johnson; is that fair?

11 A. Yes.

12 Q. Okay. After you observed that you radioed

13 more enforcement to stop the vehicle, right?

14 A. Yes.

15 Q. Okay. And you gave a description of the

16 vehicle, correct?

17 A. Yes.

18 Q. Do you remember what the vehicle looked like?

19 A. It was a gold four door sedan.

20 Q. Okay. And you also gave a description of

21 which way the vehicle left the area; is that right?

22 A. Yes.

23 Q. Did you also give a description of

24 Mr. Johnson?

25 A. Yes.

Page 108

1 Q. Okay. And that would've included, you know,

2 demographic -- racial demographic, right?

3 A. Yes.

4 Q. Okay. And what would he -- what he was

5 wearing?

6 A. Yes.

7 Q. Okay. And also what his position in the

8 vehicle was?

9 A. Yes.

10 Q. Okay. And that was so that the enforcement

11 officers knew who to search; is that fair?

12 A. Yes.

13 Q. Okay. After you called for the enforcement

14 of -- to make a -- to stop the car that Nathaniel

15 Johnson got back into, it's at that point, you relocated

16 to the back of the house; is that fair?

17 A. Yes.

18 Q. Okay. And while you were in the back of the

19 house is when you observed at -- on approximately three

20 occasions, Mr. McIntyre come back to a vehicle that was

21 parked behind the house; is that right?

22 MR. FLAXMAN: Objection, leading. Asked and

23 answered.

24 A. Yes.

25 BY MR. MICHELINI:

Page 109

1 Q. Okay. And when you saw Mr. McIntyre back

2 there, what did you see him do?

3 A. He would go to the vehicle that was parked in

4 the back. He would open the driver's side door. I

5 would've -- I observed the dome light inside the vehicle

6 light up inside of the vehicle. I'll see him reach

7 towards the driver's side, front driver's side seat.

8 And then he would appear -- he'd retrieve an item.

9 And then he would close the door and then walk back down

10 the same gangway with the car.

11 Q. And you mentioned that a dome light would

12 light up when he opened the car; is that right?

13 A. Yes.

14 Q. So were you able to see his face with the

15 light?

16 A. Yes.

17 Q. Okay. There was no other artificial lighting

18 in the back. Is that fair to say?

19 A. That's fair to say.

20 Q. Okay. But you were still able to see where he

21 was reaching?

22 A. Yes.

23 Q. Okay. And that's because of the light?

24 A. Yes.

25 Q. Okay. While -- at some point, Officer Garcia

Page 110

1 joined you in the back, correct?
 2 A. Yes.
 3 Q. Okay. But before that, was Garcia still in
 4 the same area that you originally were in with him?
 5 Behind --
 6 A. Yes.
 7 Q. And that was behind the fence?
 8 A. Yes.
 9 Q. Okay. And while you were in the back, were
 10 you in radio contact with Officer Garcia?
 11 A. Yes.
 12 Q. Okay. And what would Officer Garcia be
 13 telling you? What would you be telling him?
 14 A. He would inform me there -- if somebody walked
 15 up, if there was any transaction, if there was any
 16 exchange of like USC, suspect USC. And then he would
 17 inform me when McIntyre would start walking towards the
 18 back, through the gangway. And then I would inform him
 19 when I was -- once I would see him come to the back, I
 20 would -- and observe him do what he did. I would relay
 21 that information to my partner, Garcia and let him know,
 22 "Oh, he's coming back to the front".
 23 Q. Okay. And so on those, you said approximately
 24 3 occasions that you were observing McIntyre in the
 25 back, right?

Page 111

1 A. Yes.
 2 Q. Okay. On each one of those, was Officer
 3 Garcia telling you that another suspected narcotics
 4 transaction was happening up in the front?
 5 A. Yes.
 6 Q. Okay. And then would you see McIntyre a short
 7 time later after that?
 8 A. Yes.
 9 Q. Okay. Based upon that, you radioed for
 10 enforcement to detain Mr. Jackson and Mr. McIntyre,
 11 right?
 12 A. Best of my recollection, my partner radioed
 13 for enforcement officer.
 14 Q. Okay. Your partner Garcia, correct?
 15 A. Yes.
 16 Q. Okay. And that was at after Garcia had joined
 17 you in the back, and that's when you made the call for
 18 enforcement on Jackson and McIntyre, correct?
 19 A. Yes.
 20 Q. And again, you didn't know that these
 21 individuals were named Dennis Jackson and James McIntyre
 22 at the time, correct?
 23 A. No. Yeah. I didn't know that.
 24 Q. Have you had had any prior interactions with
 25 James McIntyre before November 6, 2017?

Page 112

1 A. Yes.
 2 Q. James McIntyre.
 3 A. James McIntyre? Oh, no, I'm sorry. No.
 4 Q. Okay.
 5 A. I was thinking of Jackson, Dennis. Sorry.
 6 Q. Okay. Dennis Jackson. You mentioned earlier
 7 that you had this previous interaction with him,
 8 correct?
 9 A. Yes.
 10 Q. But James McIntyre, you have not?
 11 A. No.
 12 Q. Okay. What about Nathaniel Johnson? Have you
 13 had had any other previous interactions with him?
 14 A. No.
 15 Q. Was there anything about your interaction with
 16 Mr. Jackson on that occasion prior to November 6, 2017
 17 that led you to set up in that location or target
 18 Mr. Jackson in any way?
 19 MR. FLAXMAN: Objection. Foundation.
 20 A. No.
 21 BY MR. MICHELINI:
 22 Q. Okay. Again, you said that you didn't even
 23 know that was him until after he was arrested, right?
 24 A. That's correct.
 25 MR. FLAXMAN: Objection, misstates testimony.

Page 113

1 Foundation.
 2 BY MR. MICHELINI:
 3 Q. Fair to say you didn't have -- you don't have
 4 any knowledge of the stop on Mr. Johnson; is that
 5 correct? No personal knowledge.
 6 A. No.
 7 Q. Okay. You just made a radio call to stop
 8 a -- a vehicle and gave a description of that person,
 9 right?
 10 A. Yes.
 11 Q. Okay. And you received radio -- over the
 12 radio a positive hit for that vehicle, for that person;
 13 is that right?
 14 A. Yes.
 15 Q. Okay. And you said earlier that that positive
 16 hit meant that it was a person matching the description
 17 and also that some narcotics had been found; is that
 18 correct?
 19 A. Yes.
 20 Q. Okay. And positive doesn't specify the types
 21 of narcotics that were recovered; is that right?
 22 MR. FLAXMAN: Objection. Form, foundation.
 23 A. That's correct.
 24 BY MR. MICHELINI:
 25 Q. Okay. You only learned afterwards that

Page 114

1 Mr. Johnson had heroin on his person; is that right?

2 A. Yes.

3 Q. Okay. And that was back at the station?

4 A. Yes.

5 Q. Okay. You mentioned -- Plaintiff's Counsel

6 asked you some questions regarding, you know why

7 Mr. Johnson would've had heroin when you recovered crack

8 cocaine from the car in the back of the house. Do you

9 remember that question?

10 A. Yes.

11 Q. Okay. And you said that you don't know why

12 Mr. Johnson would have heroin and not crack cocaine; is

13 that right?

14 A. Yes.

15 Q. Okay. Are there reasons why he wouldn't have

16 any crack cocaine on him despite you observing a

17 suspected crack cocaine narcotics transaction between

18 him and Mr. McIntyre and Jackson?

19 MR. FLAXMAN: Objection. Asked and answered.

20 A. There is.

21 BY MR. MICHELINI:

22 Q. And what are those?

23 A. The subject could have bought the narcotics

24 from some -- for one of the other occupants in the

25 vehicle. He -- he could have swallowed the narcotics.

Page 115

1 He could have smoked it or threw it out the window if

2 they were getting stopped, I'm -- I'm not sure.

3 Q. Do you know how much time passed from the time

4 that you radioed for enforcement on Mr. Johnson until

5 you received confirmation that he had been stopped?

6 A. Best of my recollection, I would say five, but

7 under ten minutes.

8 Q. Okay. And you -- do you know where

9 Mr. John -- the vehicle that Mr. Johnson was traveling

10 in was stopped?

11 A. No.

12 Q. Okay. Plaintiff's Counsel asked you some

13 questions regarding your statement to COPA. Do you

14 recall that?

15 A. From the audio? Yes.

16 Q. Okay. And he had some questions regarding

17 your statements saying that the statement to COPA was

18 under duress. Do you remember that question and answer?

19 A. Yes.

20 Q. Okay. Were you reading from a pre-printed

21 form that's given to you by FOP?

22 A. Yes.

23 Q. Okay. And so I don't -- advice of Counsel,

24 you were reading that statement at the beginning of your

25 COPA statement?

Page 116

1 MR. FLAXMAN: I -- I'm going to object to you

2 asking him what his Counsel advised him to tell him.

3 I don't think that's a proper question. You can

4 answer. Are you waiving your privilege to your

5 conversations with your attorney before COPA?

6 MR. MICHELINI: Not FOP.

7 MR. FLAXMAN: Excuse me. He doesn't have a

8 privilege with his FOP lawyer.

9 MR. MICHELINI: He's doing it on the advice of

10 Counsel. He says that in the beginning of his

11 statement. So I mean, if you have an objection,

12 make an objection. We're not going to speak --

13 MR. FLAXMAN: I have -- I have an objection to

14 Counsel asking a question that invades the

15 attorney/client privilege.

16 BY MR. MICHELINI:

17 Q. Okay. You've given other COPA statements,

18 correct?

19 A. Yes.

20 Q. Okay. In each of those COPA statements,

21 did you read the same pre-printed form?

22 A. Yes.

23 Q. Okay. Fair to say in every COPA statement

24 you've ever given, you've -- given a form or you've read

25 a form stating that you're given a statement under

Page 117

1 duress?

2 A. Yes.

3 Q. Okay. And so that's a standardized thing,

4 correct?

5 A. Yes.

6 Q. Okay. Each -- both Mr. Jackson and

7 Mr. McIntyre, their personal belongings were inventoried

8 in this case, correct?

9 MR. FLAXMAN: Objection. Foundation.

10 A. Yes.

11 BY MR. MICHELINI:

12 Q. Okay. How do you know that?

13 A. From the inventory reports.

14 Q. Okay. One of the inventory reports that

15 Plaintiff tendered you was for Mr. McIntyre, correct?

16 A. Yes.

17 Q. Okay. And that inventory included US

18 currency; is that right?

19 A. No. He showed me one for his clothing.

20 Clothing items. Yes.

21 Q. Okay. Was there an inventory report prepared

22 for Mr. Jackson and also for Mr. McIntyre in this matter

23 that included their -- any US currency that was found on

24 their person?

25 MR. FLAXMAN: Objection. Foundation.

Page 118

1 A. Yes.
 2 BY MR. MICHELINI:
 3 Q. Okay. And have you reviewed those inventory
 4 reports prior to today?
 5 A. No.
 6 Q. Okay. But you know that those were created?
 7 MR. FLAXMAN: Objection. Foundation.
 8 THE WITNESS: Yes.
 9 BY MR. MICHELINI:
 10 Q. Do you know if those were created?
 11 A. Yes.
 12 Q. How do you know that?
 13 A. Looked at them earlier.
 14 Q. Okay What -- hold on -- okay. So I'm going to
 15 refer you back to the original case for Exhibit 1.
 16 A. Okay.
 17 Q. I want to direct your attention to page 3.
 18 A. Yes.
 19 Q. This is a report that you authored, right?
 20 A. Yes.
 21 Q. Okay. And on page 3, about halfway down in
 22 the narrative portion, it states, "Dennis Jackson was
 23 found to be in possession of \$790 of U.S. currency".
 24 A. Yes.
 25 Q. Am I reading that right?

Page 119

1 A. Yes.
 2 Q. And is that true?
 3 A. Yes.
 4 Q. Okay. Do you know who was the person that
 5 recovered the currency from Mr. Jackson?
 6 A. No.
 7 Q. Okay. But at some point you learned this and
 8 put in the report; is that right?
 9 A. Yes.
 10 Q. Okay. And then after that sentence or at that
 11 portion, James McIntyre was found to be in possession of
 12 \$531 of U.S. Currencies; is that right?
 13 A. Yes.
 14 Q. Okay. And again, that was information that
 15 you learned and put in the report, right?
 16 A. Yes.
 17 Q. Okay. The next sentence says, "All currency
 18 was found to be in multiple denominations". What does
 19 that mean?
 20 A. One, you know, multiple denominations means
 21 the money was recovered and it was found to be like \$1s,
 22 \$5s, \$10s, \$20s.
 23 Q. Okay. In your experience, is that indicative
 24 of narcotics transactions?
 25 MR. FLAXMAN: Objection. Foundation.

Page 120

1 A. Yes.
 2 BY MR. MICHELINI:
 3 Q. Okay. And to be clear, having multiple
 4 denominations of US currency in of itself isn't
 5 indicative of narcotics transactions; is that fair?
 6 A. Well, when they -- when they have money, you
 7 know -- basically like \$10, a lot of \$10s and \$5s and
 8 \$20s, yes, it is.
 9 Q. Right. But I'm just saying someone just
 10 having money in it -- in it and of itself, having
 11 multiple denominations of currency doesn't mean someone
 12 is dealing drugs, right?
 13 A. Right.
 14 Q. Okay. But is it a totality of the
 15 circumstances, of the observations that you have made,
 16 and also the fact that they have the multiple
 17 denominations indicative of narcotics transactions?
 18 MR. FLAXMAN: Objection. Form and foundation.
 19 A. Yes.
 20 BY MR. MICHELINI:
 21 Q. Okay. You were the officer that signed the
 22 complaints against Mr. Jackson, correct?
 23 A. No, I believe it was my partner, Garcia.
 24 Q. Okay. But you offered the report -- the case
 25 report that includes the probable cause for both

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1 Mr. Jackson and Mr. McIntyre, correct?
 2 A. Yes.
 3 Q. And by signing that report, you're indicating
 4 that you believe that there was probable cause to arrest
 5 Mr. Jackson and Mr. McIntyre for delivery of controlled
 6 substance; is that fair?
 7 A. Yes.
 8 Q. Okay. And what do you base that on? Or what
 9 did you -- what did you base that on?
 10 A. My observations. The items that were
 11 recovered and other circumstances of the whole incident.
 12 MR. MICHELINI: I have nothing further.
 13 REDIRECT EXAMINATION
 14 BY MR. FLAXMAN:
 15 Q. Your attorney asked you about recognizing
 16 Mr. Jackson as someone you had interacted with before?
 17 A. Yes.
 18 Q. As we sit here today, is it true that you
 19 don't remember that earlier interaction?
 20 A. I remember it now based on listening to the --
 21 Q. Okay. And what do you remember about that
 22 interaction?
 23 A. What I said in the -- in the audio.
 24 Q. Okay.
 25 A. That's what I --

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1 Q. But you don't remember?

2 A. Yeah, I don't -- yeah. I don't recall.

3 Q. But an independent recollection of that event

4 hasn't come back to you, right?

5 A. Not quite.

6 Q. When -- and you radioed the other officers

7 about Mr. Johnson, what was the description you gave

8 them of Mr. Johnson?

9 A. I told them that it was a male, black, the

10 description of the car. Four -- door sedan, I believe a

11 Impala.

12 Q. Okay.

13 A. The direction of flight, where the subject was

14 seated, and the description of his clothing.

15 Q. Right. What were his -- what was his

16 clothing?

17 A. I don't recall.

18 Q. Okay. How do you remember that you gave a

19 description of his clothing?

20 A. That's what I would've done. And I'm --

21 I -- almost be -- I almost believe it's in one of the

22 reports.

23 Q. Okay. Going back to the description of the

24 interactions you saw with Mr. Johnson.

25 After Mr. McIntyre handed him something, he got back in

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1 that Impala and drove away?

2 A. Yes.

3 Q. Okay. So he didn't walk away like the other

4 people, right?

5 A. That's correct.

6 Q. Was there anybody else who got into a car or

7 was it only Mr. Johnson?

8 A. He was the only one that got into that car.

9 Q. During the time that you were watching that

10 area, did you see any other cars drive by?

11 A. I don't -- I don't remember.

12 Q. All right. I believe you said that this

13 method of selling drugs where there's one person taking

14 money and one person handing over the drugs is used to

15 defeat prosecution; is that right?

16 A. It's used, yes. Because that -- it's harder

17 to -- to, you know, figure it out, what they're doing.

18 It can be multiple guys doing different things.

19 Q. Okay. But you figured it out?

20 A. Yes.

21 Q. And what you did to figure it out is we -- you

22 walked behind the house and you saw what they were doing

23 behind the house?

24 A. I observed them for, you know, a decent amount

25 of time.

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1 Q. Okay. How did you find out that that's

2 something that drug dealers do to try to defeat

3 prosecution?

4 A. Just from my experience of seeing different

5 areas where they're selling drugs and, you know, their

6 actions. People's act -- how people act. People's

7 actions.

8 Q. Did you have any trouble figuring out what was

9 happening there, what they were doing?

10 A. Well, eventually I can -- I can see

11 what -- I -- I figure out what the -- how the whole

12 process was going. Yes.

13 Q. So you were able to do it?

14 A. Yes.

15 Q. To figure it out.

16 A. Uh-huh.

17 Q. In your experience with drug transactions,

18 is the usual purchase a dime bag for about \$10?

19 A. They have -- if they have nickel bags,

20 there's dime bags. You have -- I've seen \$20 bags.

21 Q. Okay.

22 A. Yeah.

23 Q. So if there were ten transactions for at

24 almost \$20, that would be \$200, right?

25 MR. MICHELINI: Objection, hypothetical.

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1 You can answer.

2 A. Yes.

3 BY MR. FLAXMAN:

4 Q. Okay. But the amount that was found on

5 Mr. Jackson was a lot more than that? It's -- it was

6 \$570; is that right?

7 A. No. \$790.

8 Q. I got it wrong.

9 A. We recovered \$790.

10 Q. Okay. Which is a lot more than you'd expect

11 from 10 drug transactions, right?

12 MR. MICHELINI: Objection. Calls for

13 hypothetical, speculation. You can answer.

14 A. It's more. Yes.

15 MR. FLAXMAN: Okay. I don't have anything

16 else.

17 MR. MICHELINI: We'll waive.

18 THE REPORTER: Reserve?

19 MR. MICHELINI: We're going to reserve?

20 MR. YURCHICH: Yeah.

21 MR. MICHELINI: Okay we'll reserve.

22 THE REPORTER: Okay. And does anyone want to

23 order for the transcript?

24 MR. MICHELINI: Yes. PDF, please.

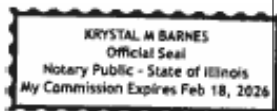
25 THE REPORTER: Absolutely. And you,

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1 Mr. --
 2 MR. FLAXMAN: Yes, please.
 3 THE REPORTER: Okay.
 4 (DEPOSITION CONCLUDED AT 5:49 P.M. CT)
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1 CERTIFICATE OF DIGITAL REPORTER
 2 STATE OF ILLINOIS
 3
 4 I do hereby certify that the witness in the foregoing
 5 transcript was taken on the date, and at the time and
 6 place set out on the Title page hereof, by me after
 7 first being duly sworn to testify the truth, the whole
 8 truth, and nothing but the truth; and that the said
 9 matter was recorded digitally by me and then reduced to
 10 typewritten form under my direction, and constitutes a
 11 true record of the transcript as taken, all to the best
 12 of my skill and ability. I certify that I am not a
 13 relative or employee of either counsel and that I am in
 14 no way interested financially, directly or indirectly,
 15 in this action.



16
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 21
 22 KRYSTAL BARNES,
 23 DIGITAL REPORTER/NOTARY
 24 MY COMMISSION EXPIRES ON: 02/18/2026
 25 SUBMITTED ON: 10/26/2023

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